



**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
Tuesday, July 8, 2025 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 10, 2025
- IV. **General Business:**
  - A. PUBLIC HEARING – Accessory Structure Variance Request – 438 Leland Creek Way (PLN25-052)
  - B. PUBLIC HEARING – Overhead Utility Variance Request – 47 Village Drive (PLN25-033)
  - C. RESOLUTION No 3, Series 2025- Side Setback Variance Request – Lot 2 and Lot 3, Block 1, Roam Filing 1 (PLN25-042)

**Online Meeting Login Instructions – See next page**

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Passcode: 20252026

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+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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+1 386 347 5053 US

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Webinar ID: 862 0555 9892

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**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
June 10, 2025  
MINUTES**

**Date:** Tuesday, June 10, 2025

**Time:** 9:06 a.m.

**Location:** Town Hall Council Chambers and via Zoom

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**I. Call to Order**

Chair Barker called the meeting to order at 9:06 a.m.

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**II. Roll Call**

All Board members were present:

Chair Dave Barker, Vice Chair Doug Robbins, Members Shawn Cullingford, Thomas McDonald (online) and Alternate Angela McDonough for Dale McCaw (absent).

Staff Present:

James Shockey, Community Development Director

Brian Kelly, Senior Planner

Adam Springer, Planner II

Kunal Parikh, Town Attorney

Irene Kilburn, Planning and Building Technician II

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**III. Approval of Minutes**

Angela McDonough moved to approve the minutes from the March 11, 2025 meeting. Doug Robbins seconded.

**Vote:** Unanimous approval (5–0).

**Action Taken:** Minutes approved

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**IV. General Business**

**Public Hearing:**

**Variance Request – Side Setback (Lots 2 & 3, Block 1, Roam Filing No. 1)**

**Applicant:** Fraser River Development Company

**Representative:** Jeff Vogel, Vogel & Associates

Planning staff presented the applicant's request for variances related to side yard setbacks and structure separation:

- **Requested Variances:**

- Lot 2: Encroachment of 1'3" into the required 5' side setback
- Lot 3: Encroachment of 8" into the required 5' side setback
- Reduction in separation between structures from 10' to 7'9"

Staff explained that a staking error by the surveyor—due to referencing an outdated plat—resulted in the encroachments. The issue was not discovered until after framing began. While the original site plan complied with zoning, the mistake was not caught early due to a missing Improvement Location Certificate (ILC), which was not submitted until after construction began.

Staff noted that:

- All public notice requirements were met.

- One public comment was received (in packet).
- The applicant is working with the Building Department to ensure compliance with fire safety standards due to reduced separation.
- Rear setback encroachments were resolved separately via easement adjustments and were not part of this hearing.

**Staff Recommendation:** Approval, citing demonstrated hardship, minor nature of encroachments, and continued consistency with neighborhood character.

**Applicant Remarks:**

Jeff Vogel provided additional context, emphasizing proactive coordination with the Building Department and that the reduced separation did not compromise neighborhood aesthetics or safety.

**Public Comment:**

The floor was opened for public comment.

**Result:** No public comments were made in person or online.

**Action Taken:** *Public hearing closed*

**Board Discussion:**

The Board discussed:

- The professional error and its limited impact
- Prior similar cases and how town procedures have improved
- The minor nature of the encroachments
- Compliance with fire and building codes as a condition
- Assurance that town staff have implemented software controls to prevent future oversights

The Board found the request met all four variance criteria:

1. **Hardship:** Professional error not foreseeable by applicant
2. **Unusual Circumstance:** Referencing outdated plat during staking
3. **Neighborhood Character:** Consistency in design and streetscape
4. **Health/Safety:** Addressed through fire code compliance

**Motion:**

Vice Chair Doug Robbins moved to approve the variance request, finding the applicant met all four criteria.

**Seconded by:** Commissioner Sean Cullingford echoed by Commissioner McDonald

**Vote:** Unanimous approval (5–0)

**Action Taken:** *Variance request approved.*

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**V. Adjournment**

**Motion:** Member McDonough moved to adjourn.

**Second:** Member Robbins

**Vote:** Unanimous “aye”

**Meeting adjourned at 9:26 a.m.**

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Brian P. Kelly, Senior Planner



## MEMO

**TO** Board of Adjustment (BOA)

**FROM** James Shockey, AICP, Community Development Director

**THROUGH** Brian P. Kelly, Senior Planner

**DATE** July 8, 2025

**RE** PUBLIC HEARING: Accessory Structure Setback Variance – 438 Leland Creek Way (PLN25-052)

**Property Owner:** Tyler and Whitney Huber

**Applicant:** Tyler and Whitney Huber

**Location:** 438 Leland Creek Way – Lot 32, Leland Creek (“the Property”)

**Project Manager:** Tyler Huber, SteMen Builders West, Inc.

**Architects:** Jim Travis, JWTPPlans

**Zoning:** R-1 (Single Family Residential Zone District)

**Authority:**

**Chapter 5. Administration, Article 5.F. Appeal, Variance, and Interpretation Decisions**

**§5-F-3 Variance**

Generally. The variance procedure is intended to provide limited relief from the requirements of this Code where strict application of the Code would result in exceptional **practical difficulty** or undue hardship preventing the use of the land as otherwise allowed by the Code. The variance procedure is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

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.

**§ 5-B-8 Public Notice Requirements:**

This Variance Request application has had proper public notification pursuant to § 5-B-8 of the UDC. A Newspaper Publication (PUB) was published once in the Middle Park Times and Sky-High News no less than ten (10) days prior to the public hearing or final decision date. The publication date occurred on or before June 25, 2025, providing notification of the hearing and requesting comments. A Surrounding Property Owners Mailing (ML) was sent to property owners within 300’ of the subject property no later than fourteen (14) days prior to the public hearing or final decision date as confirmed by the signed and notarized affidavit dated June 20, 2025 and provided by the applicant. The Property Posting (PO) was installed on June 20, 2025 meeting the minimum fourteen (14) day requirement prior to the public hearing or final decision date.

No comments have been received prior to this writing.

**Variance Request:**

Request a variance from the UDC§2-B-4 Accessory Structures requiring the structure to be setback a minimum of ten (10) feet (FT) behind the rear façade of the principal building. Due to the location of the single-family residence, the principal structure, an accessory structure is proposed to be located approximately 10 feet 11 inches in front (southeast) of the front façade and extending 70 FT to the southeast and the access drive of Leland Creek Way. The proposed accessory structure is compliant with all other development standards, including minimum setbacks from property lines.

**Applicant's Reasons why the Variance Should be Granted:**

See application for details.

**Applicable Provisions of the Unified Development Code (UDC):**

**Chapter 2. Zoning Districts and Use Standards, Article 2.B. Use Standards**

**§2-B-4(C) All Accessory Structures**

1. Primary Structure Built First. In all districts, no garage, tent, trailer or other accessory structure or accessory use shall be erected for residential purposes prior to construction of the principal building.
2. Scale. The accessory structure must not have a footprint greater than fifty percent (50%) of the principal building's footprint.
3. Height. An accessory structure shall not exceed twenty-five feet (25') or the height of the principal building, whichever is less.
4. Setbacks.
  - a. An accessory structure must be set back a minimum of ten feet (10') behind the rear facade of the principal building.
  - b. No accessory structure shall be located within a required front, side, or rear yard. Accessory structures must comply with the corner yard setbacks set out in Article 3.A, Lot and Building Standards.
  - c. An accessory structure shall not be located within any easement unless approved otherwise by the Planning Commission.

**Chapter 5. Administration, Article 5.F Appeal, Variances, and Interpretation**

**§ 5-F-3(F), Approval Criteria:**

The variance request shall meet all four (4) of the following criteria for approval:

1. *Undue 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*. 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 that do not generally apply to other properties in the same zone district; and
4. *Character*. The granting of the variance will not alter the essential character of the locality.

**Staff Comments:**

The applicant is requesting a variance for a proposed accessory structure to be located within the front yard of the principal structure but well within the front yard setback of 25 FT. The accessory structure is approximately 85 FT from the front property line. The site plan submitted with the Minor Site Plan application (PLN25-050) revealed that the proposed structure was not attached to the principal structure and therefore is defined as an accessory structure and the requirements of the UDC for such use.

As provided by the applicant's narrative with PLN25-050 the structure is proposed to be used as a non-

commercial music studio nor for any other commercial space. The additional garage space will be used to store and protect two (2) classic vehicles from the elements in a dry, climate-controlled environment. Other than what is shown on the floorplans no additional plumbing or electrical systems, that could be misconstrued as a dwelling unit, will be installed.

The applicant discusses in their narrative the criteria by which they must locate the structure in-front of instead of the required rear of the principal structure. Primarily they describe the practical difficulty related to the lot configuration and the principal structure having been built at the rear of the lot. Per the UDC§ 5-F-3(F), *Approval Criteria* the applicant provides the following reasoning for granting the variance request:

- a. Undue Hardship- Our [the applicant] current primary structure is already situated on the back portion of the lot which is long and narrow and has a community trail bordering it. When built in 2020, the building code UDC 2-B-4 did not exist yet. The applicant requests to use the expansive space towards the front of the lot for the garage. Granting a variance keeps it separated from the main house, limiting lot coverage and maintains as many trees and vegetation as possible, especially the large aspen grove as a buffer to the adjacent trail system
- b. Health, Safety & Welfare- This proposal should not affect or hinder the health, safety or welfare of the neighborhood or community but may be beneficial to the community trail by maintaining a vegetative buffer and privacy to the trail from the property.
- c. Unusual Circumstances- The circumstance is unusual due to the narrow constraints of the existing lot and where the main house has been situated towards the rear of the property creating a practical difficulty in utilizing the permissible lot square area as a privilege typically enjoyed by owners of other properties in the neighborhood.
- d. Character- The building not being connected to the principal structure and being on the front portion of the home/lot will not alter the character of the principal structure, the curb appeal or the neighborhood. Professional rendering drawn by BiloBuck Architecture out of Boulder demonstrates the added curb appeal to the existing home complimenting the look and feel of the single family home from the street. By approval of the architectural plans by the Leland Creek Design Review Committee provided with PLN25-050, dated May 27, 2025 the neighborhood community recognizes the additional structure as an asset rather than a distraction.

**Staff Recommendation:**

Staff finds the applicant has submitted all required materials within the timeframe required and all other materials comply with the conditions of § 5-F-3 *Variance* of the UDC and conform to all applicable policies and regulations of the UDC.

By presentation of the facts and through professional analysis and interpretation, staff recommends to and recognizes the Board of Adjustment's authority to render a decision that supports the staff's conclusion:

1. An undue hardship has been identified with the location of an existing structure being built within the confines of a narrow lot and to the rear of said lot prior to the adoption of the UDC accessory structure requirements, further restricting the location of any future accessory structure or development.
2. There is no obvious effect to the public health, safety, and welfare by granting a variance to this location, and will be further reviewed by the East Grand Fire Protection District at building permit.
3. An unusual circumstance exists by the nature of the prior construction of the principal structure further back on the lot inhibiting the proper location of the accessory structure to the rear of the single-family residence. The UDC having been adopted after the initial construction prevented the foresight to site planning for future development activity.
4. Considering the provided renderings and the Leland Creek DRC approval, the character and quality of the existing residence, lot and neighborhood (including the adjacent community trail) appears to be maintained and protected.

**Sample Motion for Approval:**

I move to approve the variance request for reasons discussed today and as set forth in the staff report, finding Applicant meets all four (4) criteria required by the UDC, § 5-F-3 in that:

1. The Applicant has shown that the condition in question creates an undue hardship; and
2. 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; and
3. The plight of the owner is due to unusual circumstances; and
4. The variation, if granted, will not alter the essential character of the locality.

**Sample Motion for Denial:**

I move to deny the variance request for the reasons discussed today and as set forth in the staff report, finding Applicant has failed to meet one or more of the four (4) criteria required by the UDC, § 5-F-3 in that:

1. The Applicant has not shown that the property in question creates an undue hardship in development if permitted to be used only under the conditions allowed by the regulations for the municipality because **[insert explanation supported by the evidence here]**; and
2. The granting of the variance is detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity because **[insert explanation supported by the evidence here]**; and
3. The plight of the owner is not due to unusual circumstances because **[insert explanation supported by the evidence here]**; and
4. The variation, if granted, will alter the essential character of the locality because **[insert explanation supported by the evidence here]**.

Date: 6/16/25

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

Tyler Whitney Huber

Street address of property: 438 Leland Creek Way, Winter Park

Legal description of property: Lot 32 Leland Creek, Winter Park

Brief description of the variance requested:

We are requesting to put a detached garage and personal music room on the property in front of our primary residence due to the location of our current structure, which is situated at the back of our lot.

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: \_\_\_\_\_



## NARRATIVE- Variance Request

We are requesting a variance to Code Section - **UDC 2-B-4 - An accessory structure must be set back a minimum of ten feet (10') behind the rear facade of the principal building.**

- A. Hardship- Our current Primary structure is already situated on the back portion of our lot which is long and narrow and has a community trail bordering it. When we built our home in 2020, the building code UDC 2-B-4 did not exist yet. We would like to use the space towards the front of the lot for the garage. We would like to ask for a variance in keeping it separated from the main house [no attachment] as we would like to keep as many trees and vegetation as possible, especially the large aspen grove the trail travels through.
- B. Health, Safety & Welfare- This proposal should not affect or hinder the health, safety or welfare of our neighborhood or community but in fact be beneficial to our neighborhood and community trail by maintaining vegetation and privacy to the trail from our lot.
- C. Unusual Circumstances- Our circumstance is unusual due to the narrow footprint of our lot and where we situated the main house towards the rear of the property and the fact that we have a trail bordering our property.
- D. Character- The building not being connected to the current structure as well as being on the front portion of the home will not alter the character of the current locality, but in fact should improve the look and feel of the home from the street. We have had this professionally rendered and drawn by BiloBuck Architecture out of Boulder, and feel it adds a tremendous amount of curb appeal to our home as well as being an asset to the neighborhood and our community.



TRACT B  
LELAND CREEK SUBDIVISION  
REC. #2004-012316

TRACT B  
LELAND CREEK SUBDIVISION  
REC. #2004-012316

LOT 33  
LELAND CREEK SUBDIVISION  
REC. #2004-012316

LOT 31  
LELAND CREEK SUBDIVISION  
REC. #2004-012316

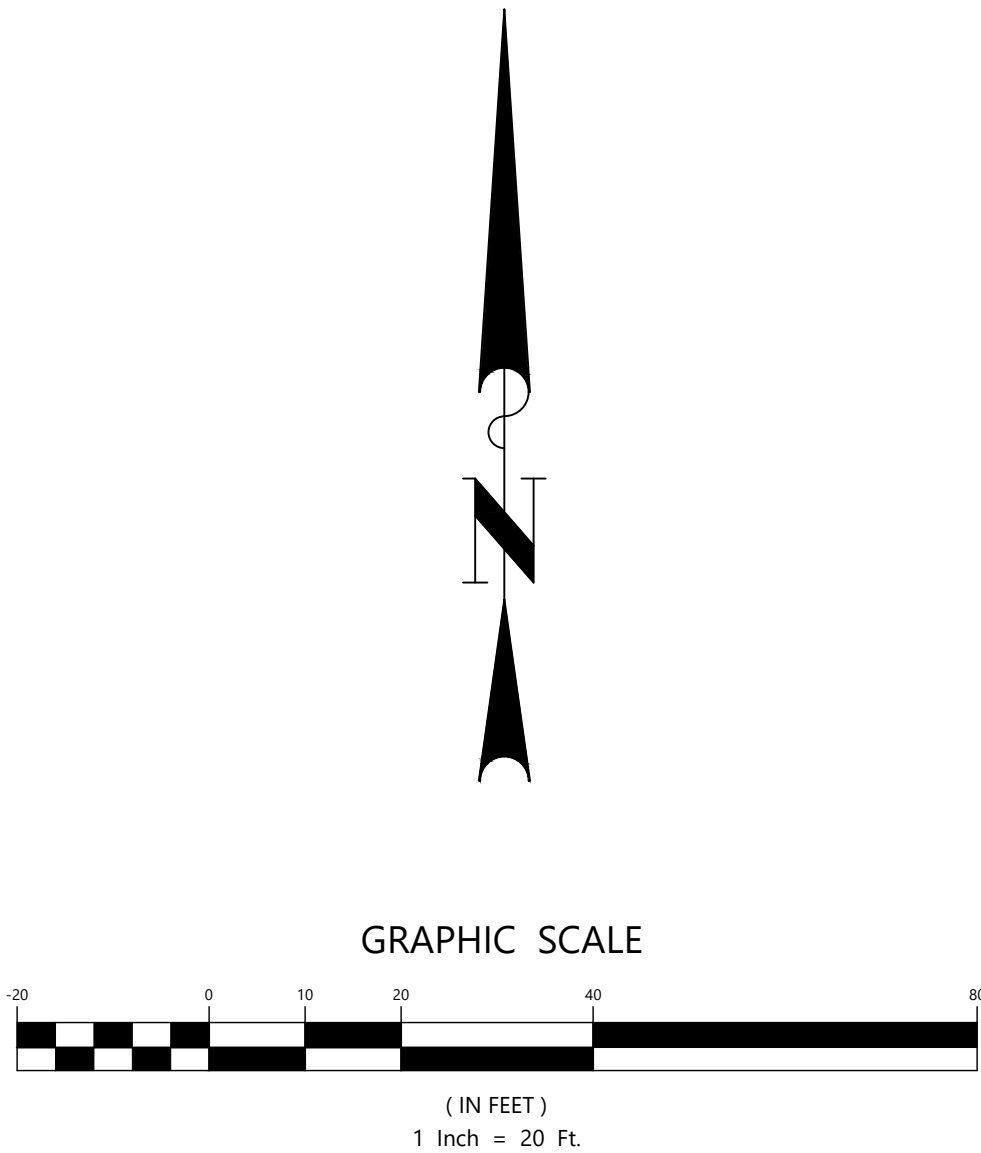
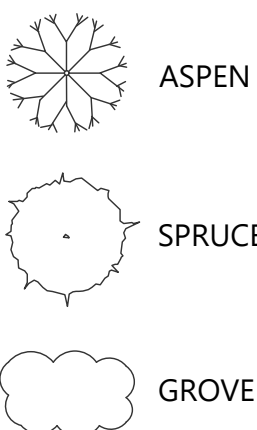
PROJECT LOT COVERAGE AREAS

UNDER ROOF COVERAGE (INCLUDES ROOF O.H. > 24")	
EXISTING STRUCTURE FOOTPRINT	2834 SF
DETACHED ADDITION STRUCTURE FOOTPRINT	1299 SF
TOTAL UNDER ROOF COVERAGE	4133 SF

UNCOVERED IMPERVIOUS COVERAGE	
EXISTING FLATWORK	599 SF
DETACHED ADDITION FLATWORK	115 SF
EXISTING & ADDITION REMODELED DRIVEWAY	3230 SF
TOTAL UNCOVERED IMPERVIOUS COVERAGE	3944 SF

LOT BUILDING COVERAGE PERCENT (40% MAXIMUM)	
TOTAL LOT SQUARE FEET	29680 SF
TOTAL LOT BUILDING COVERAGE	8077 SF
TOTAL LOT BUILDING COVERAGE PERCENT	27.22 %

TREE LEGEND



SITE PLAN - ADDITION  
1" = 20'-0"

DETACHED  
ADDITION

PROJECT INFO

PROJECT ID 0425A  
PROJECT NAME Huber Addition

Huber Residence

Leland Creek Subdivision  
Lot 32, 438 Leland Creek Way  
Winter Park, Colorado 80482  
Grand County

ISSUE INFO

ISSUE NO. 1  
ISSUE DATE 5/20/2025  
ISSUE STATUS PRELIM  
DESCRIPTION

FOR PERMIT

SHEET TITLE

DETACHED  
ADDITION  
SITE PLAN

SHEET ID

A0.1

438 LELAND CREEK WAY  
WINTER PARK, CO 80482

LOT 32 LELAND CREEK SUBDIVISION  
A TRACT OF LAND LOCATED IN THE  
SE 1/4 OF SECTION 29 AND THE NE 1/4 OF SECTION 32,  
T1S, R7SW, 6TH P.M., TOWN OF WINTER PARK, COUNTY  
OF GRAND, STATE OF COLORADO

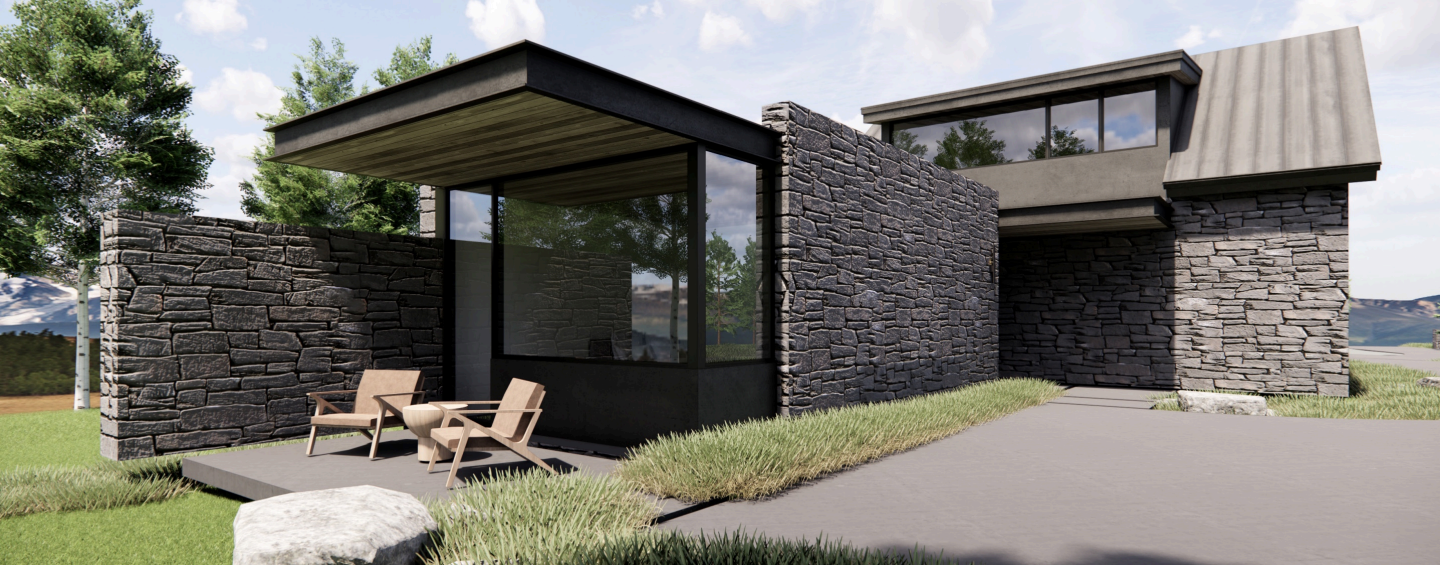
ALL NEW EXTERIOR WALL FINISH, TRIM WORK, STONE,  
WINDOWS, ROOFING AND MATERIAL COLORS SHALL  
MATCH ORIGINAL EXISTING STRUCTURE.



















DESIGN REVIEW COMMITTEE

PERMIT TO PROCEED

DATE: 5/27/25

Lot: 32 - 438 Leland Creek Way

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**Owner:** Tyler & Whitney Huber

**Builder:** Steffen Builders West

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Plan set dated: May 20, 2025

The Huber Residence Addition Plans for Lot 32, also known as 438 Leland Creek Way, issued on May 20, 2025, and submitted on May 23, 2025, are approved for construction by the Leland Creek Design Review Committee.



Approved by Clark Lipscomb

## MEMO

**TO** Board of Adjustment (BOA)  
**FROM** James Shockey, AICP, Community Development Director  
**THROUGH** Brian P. Kelly, Senior Planner  
**DATE** July 8, 2025  
**RE** PUBLIC HEARING: Overhead Utility Variance – 47 Village Drive (PLN25-033)

**Property Owner:** Doyle Rogers, Jr., Winter Park Enterprises, LLC

**Applicant:** Tom Rowe, Terrex Real Estate Services, LLC

**Location:** 47 Village Drive, Winter Park, CO ("The Property")

**Architects:** Richard Epstein, RE: Architecture

**Zoning:** D-C (Destination Center Zone District)

**Authority:**

Pursuant to § 5-F-3 of the Winter Park Unified Development Code (the "UDC"), the variance procedure is intended to provide limited relief from the requirements of this Code where strict application of the Code would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Code. The variance procedure is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

Pursuant to UDC §5-F-3(E) Procedure, the applicant has completed a pre-application conference and submitted an application compliant with the Completeness Review standards as outlined in the UDC §5-B-7.

This Variance Request application has had proper public notification pursuant to § 5-B-8 of the UDC. A Newspaper Publication (PUB) was published once in the Middle Park Times and Sky-High News no less than ten (10) days prior to the public hearing or final decision date. The publication date occurred on or before June 25, 2025, providing notification of the hearing and requesting comments. A Surrounding Property Owners Mailing (ML) was sent to property owners within 300' of the subject property no later than fourteen (14) days prior to the public hearing or final decision date as confirmed by the signed and notarized affidavit dated June 24, 2025 and provided by the applicant. The Property Posting (PO) was installed on June 20, 2025 meeting the minimum fourteen (14) day requirement prior to the public hearing or final decision date.

**No comments have been received prior to this writing.**

**Variance Request:**

Request a variance allowing an existing overhead power line owned/managed by Mountain Parks Electric, Inc. ("MPEI") to be relocated and to remain in an overhead condition in contravention to the requirements established in the UDC §3-C-2-4 *Utilities* and §4-A-10(H) *Telephone, Fiber-optic, and Electric Lines*.

The Project consists of developing approximately 4.16 acres with residential townhomes situated around a common park area. The conceptual site plan includes approximately 53 units within groups of 3 to 6 townhomes per building structure

completed over several phases. Specifics of the future townhome configuration, underground and surface improvements, and additional amenities will be addressed during a future Major Site Plan Review.

The proposed future development qualifies as an approved use within the Destination Center (D-C) zoning district. Single-family Attached Dwellings (SFA), defined as a duplex, townhome, or twin home, is a permitted use set out in Unified Development Code (UDC) § 2-B-1 *Use Tables*, Table 2-B-1-1, *Residential and Agricultural Uses by Districts*.

**Applicant's Reasons why the Variance Should be Granted:**

See applicant's application for details.

**Applicable Provisions of the Unified Development Code (UDC):**

**Chapter 3. Development Standards, Article 3.C Resource Identification and Sensitive Land Protection**

**§3-C-2-4 *Utilities***

All utilities shall follow road and driveway corridors where possible. New utilities shall be underground, unless the situation where burying the lines would require significant blasts to clear masses of outcrops or rock formations. Alternatives to utility placement shall be approved by the Town Engineer.

**Chapter 4. Subdivision Standards, Article 4.A Subdivision Design**

**§4-A-10(H) *Telephone, Fiber-optic, and Electric Lines***

Telephone, fiber-optic cable, electric transmission lines, distribution feeder lines, communication trunk lines, television cables, and similar utility installations shall all be placed underground.

**Chapter 5. Administration, Article 5.F Appeal, Variances, and Interpretation**

**§ 5-F-3(F), Approval Criteria:**

The variance request shall meet all four (4) of the following criteria for approval:

1. *Undue 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*. 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 that do not generally apply to other properties in the same zone district; and
4. *Character*. The granting of the variance will not alter the essential character of the locality.

**Staff Comments:**

The Applicant completed a Pre-Application Conference (PLN25-019) with the Town's Planning Division staff on February 10, 2025, and further presented development concerns with Planning Commission on March 11, 2025 pursuant to the UDC §5-B-4(B) *Procedure*, at the discretion of the Director and/or applicant, the application may be presented to the Planning Commission at the next regular meeting after the pre-application conference with the Director. The Commission shall discuss with the applicant the project and any changes deemed advisable. The Summary Letter of the Planning Commission (PC) meeting is provided.

In the following months since the PC meeting, the applicant has corresponded with Mountain Parks Electric, Inc., the owner/manager of the OHU subject of the variance request (see attached application narrative). In addition, Town staff have also participated in a meeting (May 15, 2025) regarding additional OHU lines that are subject to future undergrounding. The required resources and implementation of such efforts that would potentially include the subjects project will require coordination and planning that is outside of the applicants desired time frame for developing the Property.



The narrative provided by the applicant outlines the four (4) criterium applicable to granting a variance, as follows:

1. The applicant states that significant hardships occur as a result of not owning or controlling the existing line and is unable to force or otherwise convince MPEI to move the OHU underground, even at the applicant's expense. Absent a variance for maintaining the OHU in an overhead condition, the powerline will have to remain in its current location as a non-conforming condition and encumber optimal and preferred development proposed for the subject Property, including the preference of undergrounding as required.

Additionally, the physical site constraints presented by the OHU creates further hardship limiting the developable area and safety during construction. Minimum clearances of construction activity and equipment on site will be under constant and vigilant constraints of working in close proximity to a high voltage live electric line. These physical constraints further limit buildable area and the desire for compact, clustered development enjoyed by property owners of the same zone district.

2. In review of the OHU and related development standards, public health, safety, and welfare will not be detrimentally impacted by granting the variance. Approval of relocating and maintaining as an OHU locates the utility to an area of lesser density, meet the guidance of §3-C-2-4 *Utilities*, following road and driveway corridors, the MPEI overhead line will be more serviceable given proximity to developed roads, which will also speed any necessary repairs and maintenance to the MPEI overhead line. Furthermore, this increased level of access afforded by the development will assist fire crews in the event of any wildfire mitigation related to the MPEI overhead line.

The overall acceptance and wellness of the community to the OHU will essentially remain unchanged with or without the variance approval. The OHU will remain visible at the fringe of the development but would enhance the overall aesthetic by complying with underground service to the proposed units from the OHU high-voltage distribution line.

3. Unusual circumstances are a result of the existing location of the distribution line, the ownership and management of the OHU, and the topography and size of the lot proposed for development. The Property is within the D-C zoning district which encourages higher density development close to the downtown district, the OHU prohibits effective development; the current OHU location bisects the property without MPEI permission to underground.
4. The applicant has stated in the narrative that permission to remain an OHU does not alter the current character of the area as it is a pre-existing condition. Additionally adjacent developments are presently being served by OHU and granting of a variance is unlikely to result in detriment to the area's current character.

#### Staff Conclusions

Staff has received and reviewed a completed Board of Adjustment (BOA) Variance Application compliant with the Appeal, Variance, and Interpretive Decisions (Article 5.F) of the UDC in accordance with the procedures and requirements outlined in the UDC.

Staff finds that the four criteria for approval of a variance have been met. The ownership of the subject property and the right to develop in a manner privileged by other owners of similar property is encumbered by a third party having the legal right to provide a community service with their installation and maintenance of electrical equipment. However, the applicant has made efforts as advised by the Planning Commission to collaborate with the service provider. The existing OHU distribution lines create a unique infrastructure scenario whereby shorter distances degrade the ability to provide power ("stitching"). To effectively meet the UDC requirements a longer underground line would require extensive resources across multiple private property ownership.

The Town Staff recognizes this constraint, and in their own efforts believe the ability to underground the utility distribution line will incur the resources of multiple stakeholders over a greater length of time. Staff believe that granting the Variance Request at this time facilitates the Property owner to continue with the development proposal, but Staff proposes that the Town shall exercise the provision of The Town's Code of Ordinance, Title 9, Chapter 2, §9-2-2(B) *Recovery of Costs of Public Improvements* allowing the Town to establish and administer a program to recover the costs incurred for providing those future public improvements, specifically the cost of locating or relocating above-ground or underground utilities.

The applicant has demonstrated due diligence in their efforts to find a solution of which they have concluded that at this time a variance is their best means of developing the Property as a use by right.

**Staff Recommendation:**

Staff finds the applicant has submitted all required materials within the timeframe required and all other materials comply with the conditions of § 5-F-3 *Variance* of the UDC and conform to all applicable policies and regulations of the UDC. By presentation of the facts and through professional analysis and interpretation, staff recognizes the Board of Adjustment's authority to render a decision that supports the staff's conclusion:

1. An Undue Hardship must be a result of interpretation and enforcement of specified regulations depriving the applicant of privileges bestowed by other properties in the same zone district.
2. Relocating and Maintaining an OHU by Variance must be supported by the infrastructure and approval of Referral Agencies at Major Site Plan; it must not result in a detriment to the public health, safety, and welfare.
3. The existence and ownership of the OHU by a third party over an across the subject property is a unusual circumstance, but not unique and at a time yet to be determined, an underground installation will be required. Relocating the OHU will facilitate this future effort.
4. The existence of and continuance of an OHU, regardless of its location is not altering the character of the locality or be a detriment to sensitive and adjacent uses, as this is an existing condition.

**Staff recommends approval with the following one (1) condition:**

- ***At time of preliminary plat application, draft and execute a Cost Recovery Agreement, between the Town and the Developer (developer-beneficiary), whereby***
  - a. The town council shall provide by ordinance for the recovery of appropriate costs for public improvements constructed or to be constructed by the town at a future date, and
  - b. Said ordinance shall establish the nature and extent of the recoveries due to the town, and
  - c. Such ordinance may include provisions for simple interest payable to the town, and
  - d. The ordinance may include an estimate of construction costs for the improvements to be constructed, and a final statement of construction costs for the improvements shall be recorded as soon as practical following the completion of the improvements, and
  - e. Shall be recorded with the Grand County Clerk and Recorder.

**Sample Motion for Approval:**

I move to approve the variance request with the one (1) condition for reasons discussed today and as set forth in the staff report, finding Applicant meets all four (4) criteria required by the UDC, § 5-F-3 in that:

1. The Applicant has shown that the condition in question creates an undue hardship; and
2. 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; and
3. The plight of the owner is due to unusual circumstances; and

4. The variation, if granted, will not alter the essential character of the locality.

**Sample Motion for Denial:**

I move to deny the variance request for the reasons discussed today and as set forth in the staff report, finding Applicant has failed to meet one or more of the four (4) criteria required by the UDC, § 5-F-3 in that:

1. The Applicant has not shown that the property in question creates an undue hardship in development if permitted to be used only under the conditions allowed by the regulations for the municipality because **[insert explanation supported by the evidence here]**; and
2. The granting of the variance is detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity because **[insert explanation supported by the evidence here]**; and
3. The plight of the owner is not due to unusual circumstances because **[insert explanation supported by the evidence here]**; and
4. The variation, if granted, will alter the essential character of the locality because **[insert explanation supported by the evidence here]**.

Date: 04 / 7 / 2025

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

Rick Epstein for the owner, Winter Park Enterprises, LLC

Street address of property: 47 Village Drive

Legal description of property: SEE ATTACHED EXHIBIT

Brief description of the variance requested:

Mountain Parks Electric Inc. ("MPE") maintains an overhead three phase distribution power line that currently bisects the Property as it proceeds from the Town of Winter Park to the ski area. To develop the Property, this line needs to be relocated. Developer intended to relocate the line underground, but MPE has confirmed its refusal to allow the undergrounding of the power line.

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: 

April 7, 2025

Town of Winter Park Board of Adjustment  
Attn: James Shockey  
P.O. Box 3327  
Winter Park, CO 80482

In re: PLN25-019: 47 Village Drive – Variance Request for overhead power line

Dear Members of the Board of Adjustment:

This letter is the narrative section in support of our variance application for allowing an existing overhead power line owned/managed by Mountain Parks Electric, Inc. ("MPEI") to be relocated and to remain in an overhead condition in contravention to the requirements established in the Town of Winter Park ("WP") Unified Development Code ("UDC") Section 3-C-2-4 and Section 4-A-10-H. The Applicant completed a Pre-Application Conference with WP Planning Division on February 10, 2025, and presented our development concerns with Planning Commission on March 11, 2025.

Should the Board of Adjustment grant the requested variance from the requirements established in the UDC, it would relieve Applicant of an undue hardship caused by the extraordinary and unusual practical difficulties imposed by a unique existing condition and MPEI's refusal to allow its distribution power line to be placed underground. If the Winter Park UDC requirements are enforced as written, it will prohibit Applicant from developing the Subject Property as intended and will unfairly deprive the landowner of its ability by right to develop the Subject Property as permitted by WP Zoning.

### **Facts**

The following is a brief summary of the facts surrounding the Applicant's variance request:

Applicant is working to develop a townhome community consisting of approximately 52 townhomes interspersed over a 4.1613 acre site ("Subject Property") located at 47 Village Drive, near the corner of Village Drive and Highway 40 in partnership with Winter Park Enterprises, LLC, the owner of the Subject Property. The Subject Property is zoned Destination Center (D-C) by WP.

The Subject Property is currently bisected by an overhead distribution line ("Existing Line") owned/managed by Mountain Parks Electric, Inc. ("MPEI"). The Existing Line runs overhead along Highway 40 through the Town of Winter Park and South toward the Subject Property, before entering said property the Existing Line traverses in a southwesterly direction servicing the Snowblaze Condominiums before bisecting the Subject Property and continuing southward to the ski area.

Applicant needs to address the location and condition of the Existing Line to successfully develop the Subject Property. Consequently, in 2023 Applicant worked with MPEI to move the Existing Line underground and obtained a proposal from MPEI to complete the work to do so. Since receiving the proposal from MPEI, MPEI has changed its position relative to the undergrounding of "short runs" of power lines and is now requiring the Applicant to maintain the line as an overhead line. Applicant has made several requests of MPEI to revisit its decision and has shared with MPEI the Town of Winter Park's zoning requirements relative to placing electric lines underground. MPEI issued a letter finalizing its position via email and that communication has been shared with the Town of Winter Park's planning



personnel. Attached please find this email attached as **EXHIBIT A**. Applicant would still prefer to move the Existing Line underground, but MPEI refuses to do so.

Based on MPEI's requirement to maintain the overhead condition for the Existing Line and the fact that the Existing Line runs through the middle of the Subject Property, Applicant requests to relocate the line on the Subject Property to its perimeter to minimize the impact of the overhead line to the proposed construction of the development and the future residents. The proposed rerouting of the Existing Line appears on the attached site plan.

Applicant will be placing all of the utility infrastructure (including electric distribution) associated with the proposed project underground on the Subject Property in keeping with WP's UDC.

### **Criteria Analysis.**

The following details how the application meets the four (4) criteria established by the Town of Winter Park for granting a variance:

#### **1. Hardship.**

##### **a. Definition**

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.

##### **b. Application**

WP UDC sections 3-C-2-4 and 4-A-10-H require power lines to be located underground, including distribution lines like the Existing Line. Applicant does not own or control the Existing Line and is unable to force or otherwise convince MPEI to move the Existing Line underground. Absent a variance for maintaining the Existing Line in an overhead condition, the Existing Line will have to remain where it is situated today as a non-conforming condition and will detrimentally impact the development proposed for the Subject Property.

The location of the Existing Line poses a practical difficulty to the construction of the development. Like any raw land, the Subject Property requires grading to allow for the proposed development and the existing poles supporting the Existing Line will pose constructability issues as grades cannot be disturbed around those existing poles. Furthermore, maintaining the Existing Line in its current location poses safety risks to those working on the site as the construction team will be forced to work in close proximity to live, high voltage electric lines throughout the term of the development. The Existing Line is in the middle of the Subject Property and is challenging to avoid. These issues potentially make the site undevelopable.

The physical hardships imposed on the owner by keeping the Existing Line in its current location are unnecessary and easily avoidable by allowing the owner to relocate the Existing Line to the perimeter of the Subject Property, as proposed.

Other owners are permitted to develop their real property and, through this variance request, Applicant is requesting that same privilege.



## **2. Health, Safety, and Welfare.**

### **a. Definition**

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;

### **b. Application**

#### **i. Public Health**

The Existing Line is already above ground and, based on the research of Applicant, does not represent a detriment to the public health of those residents in the vicinity. Granting the variance to allow it to be maintained in an overhead condition and moved to the perimeter of the Subject Property will not otherwise create a detriment to the public health of the residents of properties in the vicinity greater than that of its current location. In fact, moving the Existing Line to the perimeter will assist in safer management and maintenance of the utility and remove it from what is proposed as an active, open, public, community space.

#### **ii. Safety**

The Existing Line as currently constructed does not represent a safety risk to the residents. The granting of the variance simply allows the Existing Line to be moved to the perimeter of the site and allows the lines to be reconstructed in keeping with current standards for such powerlines and on new utility poles, which, if anything, will yield a safer condition when completed, as noted above.

#### **iii. Welfare**

Generally, “welfare” means the health, happiness, and fortunes of a person or group. The discussion in paragraph 2(b)(i) above addresses the question of health.

The happiness of residents will not change based on the granting of the variance and by all accounts permit the residents to enjoy their outdoor common space without the obstruction of utility poles and wires within the vicinity. The Existing Line being overhead is an existing condition. Applicant seeks to maintain the existing overhead condition albeit in a more secluded, but maintenance accessible, location on the property. Moving the line will not change the long-term happiness of the residents in the vicinity as the essential nature of the current conditions would not change based on the granting of the variance.

The position and overall situation of the residents in the vicinity would not change by granting the variance. As indicated above, granting the variance will not change the essential characteristics of the surrounding property. In fact, when the line is moved, some of the peripheral existing above ground power lines serving the surrounding areas will be moved below ground as part of MPEI’s relocation work. As such, the granting of the variance would not detrimentally impact the situation of property owners in the vicinity of the Subject Site and would actually improve them.

#### **iv. Materially Injurious**

Granting of the variance will not be materially injurious to properties or improvements in the vicinity. As argued above, the Existing Line is currently in an overhead condition and the purpose of the variance would be to allow the current condition and function to continue unchanged albeit in a different location. The successful development of the Subject Property with a quality townhome project.



By moving the Existing Line and developing the Subject Property, the MPEI overhead line will be more serviceable given proximity to developed roads, which will also speed any necessary repairs and maintenance to the MPEI overhead line. Furthermore, this increased level of access afforded by the development will assist fire crews in the event of any wildfire mitigation related to the MPEI overhead line. As such, instead of injurious, Applicant argues granting the variance would actually benefit properties in the vicinity.

Furthermore, by relocating the Existing Line, it will be screened mature pine trees on adjacent properties and will be less conspicuous to those neighbors.

Consequently, based on the foregoing, Applicant argues 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.**

#### **a. Definition**

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.

#### **b. Application**

The Subject Property is zoned Destination Center (D-C). The Existing Line is unusual in that it is not common to have a major, three phase power distribution line located on property in an area so close to a population base and in a Destination Center (D-C) zoning district. The fact that the line is not owned by the landowner and that its existence is not controlled by the landowner makes it a very unusual and unique condition not generally suffered by other landowners in Destination Center districts.

Applicant notes that the landowner nor the Applicant created the existing overhead power line condition of the Existing Line. Applicant nor landowner have no rights or ability to control the decisions of MPEI as owner of the Existing Line nor did they determine the location for the Existing Line when it was originally constructed. Having a third-party owned and controlled power distribution line is an unusual circumstance that does not generally apply to other properties in Destination Center (D-C) zoning districts in WP.

### **4. Character.**

#### **a. Definition**

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

#### **b. Application**

The Existing Line is already overhead and would remain in this condition absent the planned development of the Subject Property. Furthermore, the Beaver's Condominiums are presently served by overhead powerlines that were installed prior to implementation of the UDC. Applicant's proposed development plan is to move the Existing Line to make it less conspicuous in an effort that will improve the character of the locality. Further, the scope of work to relocate the Existing Line is proposed to include undergrounding of other overhead power lines on adjacent property; improving the aesthetics of the surrounding property.





Consequently, maintaining the current overhead condition of the Existing Line and relocating the Existing Line will not alter the essential character of the locality.

We appreciate your consideration of the variance request outlined in our application and in this letter/narrative. We look forward to hopefully developing a project that will add to the character and vitality of the Town of Winter Park.

Sincerely,

TERREX REAL ESTATE SERVICES, LLC, developer

A handwritten signature in black ink, reading "Thomas B. Rowe". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas B. Rowe  
President



**EXHIBIT A**  
Mountain Parks Electric Letter/Email

**From:** [Tom Rowe](#)  
**To:** [trowe@terrex.com](mailto:trowe@terrex.com)  
**Cc:** [James Shockey \(jshockey@wpgov.com\)](mailto:jshockey@wpgov.com); [Rick Epstein](#)  
**Subject:** FW: 47 Village Drive  
**Date:** Friday, January 17, 2025 9:15:00 AM  
**Attachments:** [mountainparkselectricloosemailsig\\_af84d1ef8-1b44-405b-809c-3b68205a116c.png](#)  
[FBI00020x20\\_f385af7c-4933-45ab-89b5-afa2eff55b1.png](#)  
[wyiter20x20\\_4b90b8ef-da96-4b7b-814e-87a8b9a2dc73.png](#)

---

Brian-

We have been working with MPEI regarding their policy on undergrounding their transmission line across our property at 47 Village Drive. This is in response to your email on December 17<sup>th</sup> where you requested further explanation regarding MPEI's unwillingness to underground its line. We asked MPEI to provide its justification and they sent us the email below from Patrick Spengler, one of their Staff Engineers.

In his email he provides their perspective on our request to underground the transmission line. While we will be putting all the distribution lines within the project and to our units underground, we are at the mercy of MPEI regarding the transmission line. We would prefer to place the line underground, but we have been round and round with them and they are maintaining their position; that the transmission line must be above ground.

Please review the email below and let me know how you would like to proceed. We are caught in the middle and need to be able to drive this to ground before spending additional development dollars on the site.

Thank you for your help and we look forward to meeting with you on February 10<sup>th</sup> at 130p.

-Tom

---

**THOMAS B. ROWE, ESQ.**  
Principal

Terrex Development & Construction  
3200 Madison Road, Suite 2B  
Cincinnati, OH 45209

Email: [trowe@TerrexLLC.com](mailto:trowe@TerrexLLC.com)  
Direct: 513.312.4167

[www.TerrexLLC.com](http://www.TerrexLLC.com)

Begin forwarded message:

**From:** Patrick Spengler <[pspengler@mpei.com](mailto:pspengler@mpei.com)>



**Date:** January 16, 2025 at 4:37:30 PM CST  
**To:** Rick Epstein <[rick@re-architecture.com](mailto:rick@re-architecture.com)>  
**Cc:** Tyler See <[tsee@mpei.com](mailto:tsee@mpei.com)>  
**Subject:** 47 Village Drive

Rick,

Your property at 47 Village drive contains one of our main service feeders out of our Mettler Substation. MPEI will not underground any of our main service feeders unless there are significant construction or maintenance constraints that require such undergrounding and in this case a line reroute for construction does not meet those conditions. Undergrounding small sections of main feeders causes undue electrical stresses on our conductors and can lead to failure or lower life expectancy of our conductors. Your property at 47 village drive can only receive an undergrounding exception by undergrounding this line completely up to the already underground portion of the feeder to the north near the McDonalds. This will remove the potential damage and reliability issues that result from overhead to underground conversions. This would need to be done at 100% aid to construction with no cost to MPE. We will allow a reroute of the overhead line as long as there is as good or better access to the line for maintenance and vegetation management. Please let me know if this email will suffice for your conversation with the town or if more correspondence is required.

**Patrick Spengler,**  
Staff Engineer

[pspengler@mpei.com](mailto:pspengler@mpei.com)  
970.887.3378

Ext.218



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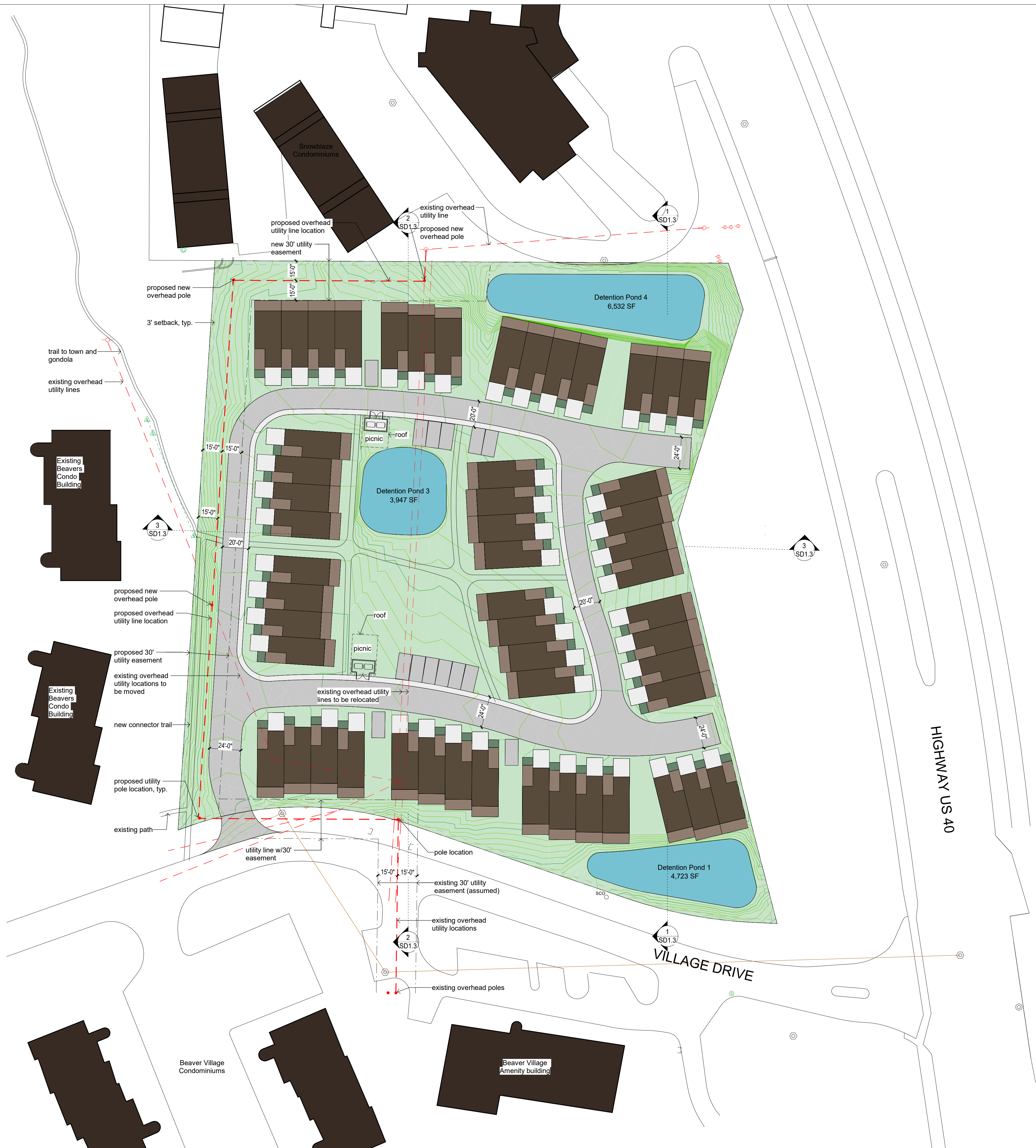
3200 Madison Road, Suite 2B  
Cincinnati, OH 45209  
513.337.9822  
[www.terrexllc.com](http://www.terrexllc.com)





SITE AXONOMETRIC





### SITE DETENTION CAPACITY

POND	SURFACE AREA	VOLUME
Detention Pond 1	4,723 SF	275 CY
Detention Pond 3	3,947 SF	398 CY
Detention Pond 4	6,532 SF	630 CY
TOTAL		1,304 CY

### PAVING AREAS

LOT	AREA	THICKNESS	QUANTITY
Drainage Paving	3,610 SF	0'-4"	45 CY
Road Paving	24,011 SF	0'-5"	371 CY
TOTAL			415 CY

### UNIT COUNT

UNIT TYP	COUNT
Unit - 3 Level	38
Unit - 3 Level RH	15
TOTAL	53

### PARKING COUNT

Type	Comments	Description	Area
Parking Space	Public 10' x 20'	5" asphalt	2,800 SF
TOTAL: 14			2,800 SF



A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF GRAND, STATE OF COLORADO

PREPARED WITH THE BENEFIT OF CHICAGO TITLE INSURANCE COMPANY, TITLE REPORT NO. N0023469-010-T02-PD WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2019 AT 8:00 A.M.

PREPARED WITH THE BENEFIT OF CHICAGO TITLE INSURANCE COMPANY, TITLE REPORT NO. N0023469-010-T02-PD WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2019 AT 8:00 A.M.

EXCEPTION 1 - NO ADDITIONAL INFORMATION WAS PROVIDED TO THE SURVEYOR OF RECORD.  
ANY FACTS, RIGHTS, INTERESTS OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS, BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND.

EXCEPTION 2 - NO ADDITIONAL INFORMATION WAS PROVIDED TO THE SURVEYOR OF RECORD.  
EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

EXCEPTION 3 - THIS SURVEY SERVES TO SATISFY THIS EXCEPTION.  
 ANY ENCROACHMENTS, ENCUMBRANCES, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED  
 BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY PUBLIC RECORDS.

EXCEPTION 4 - NOT SURVEY RELATED.  
ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN IN THE PUBLIC RECORDS.

**EXCEPTION 5 - NOT SURVEY RELATED.**  
 DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES OF RECORD FOR THE VALUE THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.

EXCEPTION 6 - *NOT SURVEY RELATED.*  
ALL TAXES AND ASSESSMENTS, NOW OR HERETOFORE ASSESSED, DUE OR PAYABLE.

EXCEPTION 7 - MANHARD CONSULTING DID NOT EXAMINE WATER RIGHTS OR CLAIMS OF TITLE TO WATER AND THE SURVEYOR OF RECORD ASSUMES NO RESPONSIBILITY FOR ANY CLAIMS OR RIGHT ON THE SURVEYED PROPERTY.

WATER RIGHTS, CLAIMS OF TITLE TO WATER, WHETHER OR NOT THESE MATTERS ARE SHOWN BY THE PUBLIC RECORDS.

**EXCEPTION 8 - NOT SURVEY RELATED.**  
ANY EXISTING LEASES OR TENANCIES, AND ANY AND ALL PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEES.

EXCEPTION 9 - MAY AFFECT SURVEYED PROPERTY - NO DOCUMENT SPECIFIED OR PROVIDED FOR REVIEW.  
THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT OR REMOVE HIS ORE, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES THEREBY GRANTED AND RIGHTS-OF-WAY FOR DITCHES AND CANALS AS RESERVED IN THE UNITED STATES PATENT OF RECORD.

EXCEPTION 10 - AFFECTS SURVEYED PROPERTY - SHOWN HEREON - NO DITCH OBSERVED AT THE TIME OF SURVEY.  
RIGHT OF WAY FOR THE GARRETT DITCH AS DISCLOSED BY INSTRUMENT RECORDED JANUARY 31, 1923 IN BOOK OF DITCH PLATS 4, INsofar  
AS THE SAME MAY AFFECT SUBJECT PROPERTY.

EXCEPTION 11 - **AFFECTS SURVEYED PROPERTY - NOT PLOTTABLE.**  
EASEMENT AND RIGHT OF WAY TO CONSTRUCT, OPERATE AND MAINTAIN ITS LINES OF TELEPHONE AND TELEGRAPH, AND APPURTENANCES,  
OVER AND ACROSS THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 33, TOGETHER WITH THE RIGHT TO KEEP THE SAME CLEARED,  
AS GRANTED TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY BY INSTRUMENT RECORDED JULY 26, 1939, IN BOOK 87 AT PAGE  
523.

EXCEPTION 12 - BOOK 106, PAGE 571 AFFECTS SURVEYED PROPERTY - BOOK 241, PAGE 353 AFFECTS BEAVER VILLAGE FILING NO. 2 NOT SURVEYED PROPERTY - NOT PLOTTABLE.

EASEMENT AND RIGHT OF WAY TO CONSTRUCT, OPERATE AND MAINTAIN ITS ELECTRIC TRANSMISSION OR DISTRIBUTION LINES OR SYSTEM, TOGETHER WITH THE RIGHT TO KEEP THE SAME CLEARED AS GRANTED TO MOUNTAIN PARKS ELECTRIC, INC., BY INSTRUMENT RECORDED NOVEMBER 7, 1953 IN BOOK 106 AT PAGE 571 AND DECEMBER 13, 1877 IN BOOK 241 AT PAGE 353.

EXCEPTION 13 - DOES NOT APPEAR TO AFFECT SURVEYED PROPERTY - SHOWN HEREON.  
RIGHTS OF WAY OF WESTERN SLOPE GAS COMPANY, AS GRANTED BY INSTRUMENTS RECORDED SEPTEMBER 17, 1969 IN BOOK 167 AT PAGE 141 AND 142 AND JUNE 25, 1970 IN BOOK 171 AT PAGE 412.

EXCEPTION 14 - DOES NOT APPEAR TO AFFECT SURVEYED PROPERTY - SHOWN HEREON.  
RIGHTS OF WAY OF PUBLIC SERVICE COMPANY OF COLORADO, AS GRANTED BY INSTRUMENT RECORDED MAY 12, 1975 IN BOOK 216 AT PAGE 249.

EXCEPTION 15 - DOES NOT APPEAR TO AFFECT SURVEYED PROPERTY - NOT PLOTTED.  
THE EFFECT OF AN EIGHT FOOT WIDE PRIVATE EQUESTRIAN CROSSING AS GRANTED BY THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY TO PRESTON BEAVER IN INSTRUMENT RECORDED OCTOBER 1, 1982 IN BOOK 316 AT PAGE 954.

EXCEPTION 16 - ~~DOES NOT APPEAR TO AFFECT SURVEYED PROPERTY - NOT PLOTTABLE.~~  
TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE CABLE TELEVISION BULK BILLING AGREEMENT, WHICH  
WAS RECORDED DECEMBER 4, 1997 AT RECEPTION NUMBER 97010847 AND ADDENDUM RECORDED JULY 12, 1999 AT RECEPTION NUMBER  
99007254

EXCEPTION 17 - **AFFECTS SURVEYED PROPERTY - NOT PLOTTABLE.**  
THE EFFECT OF THE INCLUSION OF THE SUBJECT PROPERTY IN THE GRAND COUNTY WATER AND SANITATION DISTRICT, AS DISCLOSED BY THE INSTRUMENT RECORDED APRIL 13, 1960 IN BOOK 132 AT PAGE 67.

EXCEPTION 18 - DOES NOT APPEAR TO AFFECT SURVEYED PROPERTY - NOT PLOTTABLE.  
TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE RESOLUTION NO. 2011-2-1 AS SET FORTH BELOW:

RECORDING DATE: JUNE 9, 2011  
RECORDING NO.: RECEPTION NO. 2011004120

EXCEPTION 19 - DOES NOT APPEAR TO AFFECT SURVEYED PROPERTY - NOT PLOTTABLE.  
EASEMENTS, TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE EASEMENT DEED BY COURT ORDER AS SET FORTH BELOW:

RECORDING DATE: JUNE 5, 2013  
RECORDING NO.: RECEPTION NO. 2013004967

EXCEPTION 20 - DOES NOT APPEAR TO AFFECT SURVEYED PROPERTY - NOT PLOTTABLE.  
TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE ROAM FINAL DEVELOPMENT PLAN AS SET FORTH BELOW:

RECORDING DATE: JUNE 14, 2018  
RECORDING NO.: RECEPTION NO. 2018004495

 $(1'' = 1000')$ 

A PARCEL OF LAND BEING A PORTION OF THE SOUTH 1/2 OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST, AND ALL OF THE LAND DESCRIBED IN WARRANTY DEED RECORDED JANUARY 7, 1982 IN BOOK 304 AT PAGE 545, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTLY MOST CORNER OF BEAVER VILLAGE — FILING NO. 2 AT WINTER PARK, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF LOT 15, BLOCK 2 OF HIDE-AWAY PARK A DISTANCE OF 393.64 FEET TO A POINT ON A CURVE—THE CENTER OF WHICH IS 100.67 FEET WEST OF THE POINT OF BEGINNING, AND 100.67 FEET FROM A POINT ON CURVE BEING A POINT ON THE WESTELY RIGHT-OF-WAY OLD U.S. HIGHWAY NO. 40; THENCE ALONG SAID WESTELY RIGHT-OF-WAY THE FOLLOWING COURSES: SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 0 DEGREES 38 MINUTES 01 SECONDS, A RADIUS OF 262.18 FEET, BEARING NORTH 87 DEGREES 47 MINUTES 49 SECONDS EAST A DISTANCE OF 37.28 FEET; THENCE SOUTH 16 DEGREES 55 MINUTES 26 SECONDS WEST A DISTANCE OF 170.72 FEET; THENCE SOUTH 14 DEGREES 00 MINUTES 24 SECONDS EAST A DISTANCE OF 236.10 FEET; THENCE SOUTH 14 DEGREES 50 MINUTES 54 SECONDS WEST A DISTANCE OF 100.67 FEET; THENCE ALONG SAID WESTELY RIGHT-OF-WAY BEARING NORTH 87 DEGREES 37 MINUTES 54 SECONDS WEST A DISTANCE OF 100.67 FEET TO A POINT OF TANGENCY; THENCE NORTH 71 DEGREES 27 MINUTES 00 SECONDS WEST A DISTANCE OF 172.90 FEET TO A POINT OF CURVE; THENCE WESTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 0 DEGREES 02 MINUTES 08 SECONDS, A RADIUS OF 262.18 FEET, BEARING SOUTH 88 DEGREES 02 MINUTES 08 SECONDS WEST A DISTANCE OF 100.67 FEET TO AN ANGLE POINT ON THE EASTERLY MOST BOUNDARY OF SAID FILING NO. 2; THENCE NORTH 3 DEGREES 25 MINUTES 57 SECONDS EAST ALONG SAID EASTERLY MOST BOUNDARY, A DISTANCE OF 167.79 FEET TO THE POINT OF BEGINNING, EXCEPT AS HEREIN SET FORTH IN THE FOREGOING DESCRIPTION.

WITNESSED MY HAND AND THE SEAL OF THE COUNTY OF COLORADO, AT DENVER, COLORADO, THIS 33RD DAY OF AUGUST, 1963 IN BOOK 3333 AT PAGE 17, COUNTY OF GRAND, STATE OF COLORADO

181,265 SQUARE FEET (4.1613 ACRES)±

1. **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 ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY MANHARD CONSULTING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, MANHARD CONSULTING RELIED UPON THE TITLE REPORT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, TITLE REPORT NUMBER N0023469-010-T02-PD WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2019 AT 8:00 A.M.
4. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON(S) OR ENTITY(S) NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON(S) OR ENTITY(S) WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON(S) OR ENTITY(S).
5. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
6. **BASIS OF BEARINGS:** THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IS ASSUMED TO BEAR SOUTH 89°32'46" EAST BETWEEN THE FOUND MONUMENTS SHOWN AND DESCRIBED HEREON.
7. **FLOODPLAIN:** THE FLOODED PROPERTY IS LOCATED WITHIN ZONE X, OTHER AREAS - DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP (FIRM) - MAP NUMBER 080049C00991C WITH AN EFFECTIVE DATE OF JANUARY 2, 2008. (TABLE A, ITEM 3)
8. NO ZONING REPORT OR LETTER WAS PROVIDED TO THE SURVEYOR. (TABLE A, ITEMS 6(a))
9. THE UTILITIES SHOWN HEREON ARE FROM VISIBLE ABOVE GROUND OBSERVATIONS CORRELATED WITH AN 811 UTILITY LOCATE REQUEST DATED ON AUGUST 22, 2019. TICKETS 0423201832. NO MAPS OR PLANS WERE PROVIDED. THIS SURVEY MAKES NO STATEMENT TO THE ACTUAL CONNECTIONS, MATERIALS, FLOW DIRECTIONS OR PIPE SIZING OF UNDERGROUND UTILITIES. CONTROLLED UNDERGROUND EXPLORATORY EFFORT TOGETHER WITH UNCO(811) MARKINGS IS RECOMMENDED TO DETERMINE THE FULL EXTENT OF UNDERGROUND SERVICE AND UTILITY LINES. (TABLE A, ITEM 11)

TO : WINTER PARK ENTERPRISES LLC, A COLORADO LIMITED LIABILITY COMPANY  
: CHICAGO TITLE INSURANCE COMPANY  
: ALTERRA REAL ESTATE ADVISORS, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 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, 6(a), 7(a), 8 AND 11 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON: AUGUST 20, 2019

DATE OF PLAT OR MAP: SEPTEMBER 20, 2019

BRIAN J. PFOHL  
COLORADO PLS NO. 38445  
FOR AND ON BEHALF OF MANHARD CONSULTING  
7600 E. ORCHARD RD., SUITE 150-N  
GREENWOOD VILLAGE, COLORADO 80111  
(303) 708-0500

[illegible]

**Manhard**  
CONSULTING

7600 East Orchard Road, Suite 150-N, Greenwood Village, CO 80111 ph:303.708.0500 manhard.com  
CIVIL Engineering | Surveying & Geospatial Services | GIS

47 VILLAGE DRIVE

**COUNTY OF GRAND, COLORADO**

# ALTA/NSPS LAND TITLE SURVEY

PROJ. MGR.: JMR  
PROJ. ASSOC.: BJP  
DRAWN BY: HHF  
DATE: 09/18/19  
SCALE: N/A

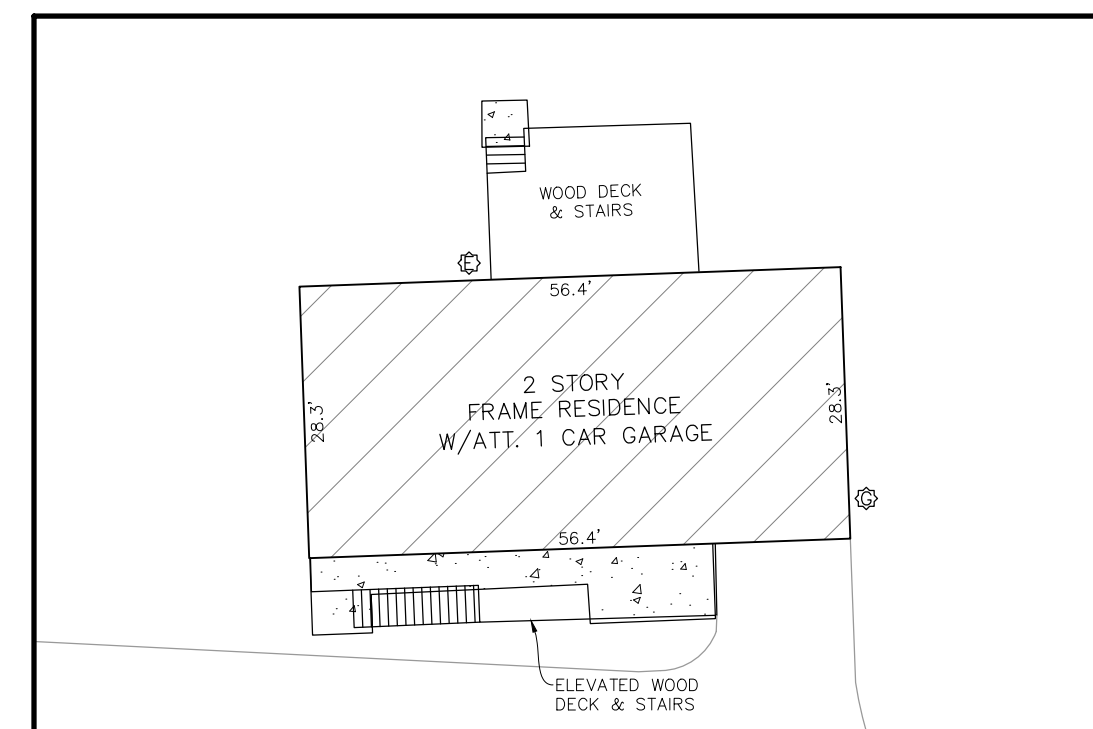
SHEET

1 OF 2

ARE.GCC001.00



A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF GRAND, STATE OF COLORADO



**DETAIL "A"**  
*1"=20'*

- ## LEGEND
- |           |  |
|-----------|--|
| ----      | = EX. SECTION LINE   |
| =====     | = EX. PROPERTY LINE  |
| ----      | = EX. LOT LINE   |
| ----      | = EX. EASEMENT LINE  |
| =====     | = EX. CONCRETE CURB & GUTTER   |
| ----      | = EX. RIGHT-OF-WAY LINE  |
| ----      | = EX. STORM LINE   |
| ---G---   | = EX. UNDERGROUND GAS  |
| ---T---   | = EX. UNDERGROUND TELEPHONE  |
| ---OHr--- | = EX. OVERHEAD WIRES   |
| ◆         | = SECTION CORNER AS NOTED  |
| ○         | FOUND 1" IRON PIPE   |
| ⊙         | = W/ NAIL & DISK<br>STAMPED, "LS 12111"                                  |
| ⊗         | = FOUND 1.5" ALUMINUM CAP<br>STAMPED, "JIM WARD LS11415"                 |
| ●         | SET NO. 5 REBAR WITH<br>1.25" YELLOW PLASTIC CAP<br>STAMPED, "PLS 38445" |
| ⬠         | = FOUND NO. 4 REBAR<br>WITH NO CAP                                       |
| ⊙         | = EX. STORM MANHOLE (MH)   |
| ⊙         | = EX. SANITARY MANHOLE (SMH)   |
| ⌒         | = EX. FLARED END SECTION (FES)   |
| ⊕         | = EX. LIGHT STANDARD   |
| ⊖         | = EX. UTILITY POLE   |
| ⊙         | = EX. GUY WIRE   |
| ⊗         | = EX. WATER METER  |
| ⊕         | = EX. ELECTRICAL METER   |
| ⊗         | = EX. VALVE BOX  |
| SO        | = EX. SANITARY CLEANOUT  |
| ⊕         | = EX. FIRE HYDRANT/AUX. VALVE  |
| ⊕         | = EX. TELEPHONE PEDESTAL   |
| ⊕         | = EX. FIBER OPTIC HANDHOLE   |
| ⊕         | = EX. SIGN   |
| W         | = EX. WATER MARKER POST  |
| T         | = EX. TELEPHONE MARKER POST  |
| E         | = EX. ELECTRIC MARKER POST   |
| F         | = EX. FIBER OPTIC MARKER POST  |
| NE'LY     | = NORTHEASTERLY  |
| NW'LY     | = NORTHWESTERLY  |
| SE'LY     | = SOUTHEASTERLY  |
| SW'LY     | = SOUTHWESTERLY  |
|           | = EX. GRAVEL   |
|           | = EX. CONCRETE   |
|           | = EX. ASPHALT  |
|           | = EX. BUILDING   |
|           | = EX. CONCRETE, BLOCK OR WOOD<br>RETAINING WALL/PLANTER                  |
| 0.00      | = BOUNDARY DIMENSION   |
| (0.00)    | = RECORD DIMENSION   |



FOR AND ON BEHALF OF  
MANHARD CONSULTING

[illegible]

**Manhard**<sup>TM</sup>  
CONSULTING

600 East Orchard Road, Suite 150N, Greenwood Village, CO 80111 ph: 302.708.0500 manhard.com  
Civil Engineering | Surveying & Geospatial Services | GIS

47 VILLAGE DRIVE  
COUNTY OF GRAND, COLORADO  
ALTA/NSPS LAND TITLE SURVEY

PROJ. MGR.: JMR  
PROJ. ASSOC.: BJP  
DRAWN BY: HHF  
DATE: 09/18/19  
SCALE: 1" = 40'

SHEET

2 OF 2

ARE.GCC001.00



**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
RESOLUTION NO. 3  
SERIES OF 2025**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF  
WINTER PARK APPROVING A VARIANCE TO REDUCE THE SIDE YARD  
SETBACK AND MINIMUM BUILDING SEPARATION AND ADOPTING  
FINDINGS OF FACT THERETO**

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, the Development Standards within the Roam Final Development Plan, 3<sup>rd</sup> Amendment (Reception No. 2024000453) states side setback for single-family detached and attached dwellings in Planning Area 3 is 5 feet and note 4 states minimum building separation shall be 10 feet;

WHEREAS, on May 21, 2024, Fraser River Development Company (the "Applicant"), as the owner of the real property more particularly described in **Exhibit A** (the "Property"), filed an application for a variance to encroach into the side yard setback on Lot 2 by approximately 1 to 3 feet and Lot 3 by approximately 8 feet. The minimum separation between buildings would be reduced from 10' to 7 to 9 feet (the "Application");

WHEREAS, on June 10, 2025, the Board of Adjustment held a properly noticed public hearing on the Application; and

WHEREAS, after considering the Application, presentations by Town staff and the Applicant, and public comment, the Board of Adjustment approved the Application, 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 § 5-F-3(F) of the UDC, more particularly:

- a. *Undue 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 because compliance would necessitate the removal of portions of the existing structure's walls, which presents an unreasonable hardship;
- b. *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 because the Applicant is taking appropriate measures to fireproof the encroaching walls in accordance with fire code requirements;



- c. *Unusual Circumstances.* The plight of the owner is due to unusual circumstances at the property that do not generally apply to other properties in the same zone district because the Applicant submitted setback-compliant construction drawings, and the encroachment resulted from a surveyor error in staking the property; and
  - d. *Character.* That the granting of the variance will not alter the essential character of the locality, because the encroachments are minor in nature, and the development remains consistent with the architectural and planning intent of earlier phases of the right-of-way at Roam. The structures will continue to contribute positively to the streetscape along Ski Idlewild Road.
2. Decision. Based on the foregoing findings, the Board of Adjustment hereby **approves** the variance, subject to the following conditions:
- a. A Building Permit for improvements described in the Application shall be issued on or before June 10, 2026. If a building permit is not issued within such time, the variance granted herein shall automatically terminate without further action by the Town.
  - b. Neither this Resolution nor the variance granted herein creates any vested rights under statute or common law.
  - c. This Resolution shall be recorded in the records of the Grand County Clerk and Recorder within 30 days of approval.

PASSED, ADOPTED, AND APPROVED this 24<sup>th</sup> day of June, 2025.

BOARD OF ADJUSTMENT

---

David Barker, Chair

ATTEST:

---

Danielle Jardee, Town Clerk

**Exhibit A**

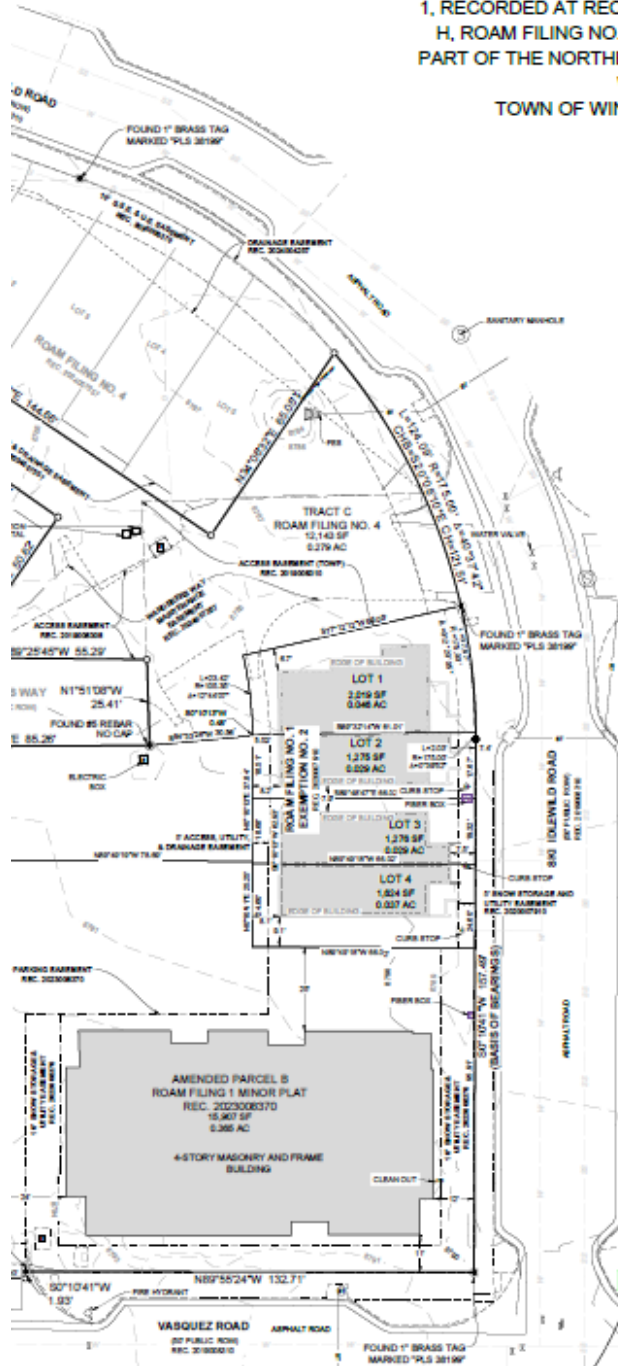
Legal Description of Property

Lot 2 and Lot 3, Block 1, Roam Filing 1

Exhibit B  
Improvement Location Certificate

IMPROVEMENT LOCATION CERTIFICATE /  
TOPOGRAPHIC MAP

BEING ALL OF THAT SUBDIVISION EXEMPTION PLAT NO. 2, BLOCK 1, ROAM FILING NO. 1, RECORDED AT RECEPTION NO. 2020007910, AND INCLUDING A PORTION OF TRACT H, ROAM FILING NO. 1 MINOR PLAT, RECORDED AT RECEPTION NO. 2023008370, A PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO.



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, T1S, R75W OF THE 6TH P.M., TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOTS 1 THROUGH 4, SUBDIVISION EXEMPTION PLAT NO. 2, BLOCK 1, ROAM FILING NO. 1, A SUBDIVISION PLAT RECORDED SEPTEMBER 8TH, 2020 AT RECEPTION NO. 2020007910, IN THE RECORDS OF THE GRAND COUNTY CLERK AND RECORDERS OFFICE, ALSO BEING ALL OF TRACT H AND AMENDED PARCEL B, ROAM FILING NO. 1 MINOR PLAT, RECORDED DECEMBER 8TH, 2023 AT RECEPTION NO. 2023008370, SAID GRAND COUNTY RECORDS, ALSO BEING ALL OF TRACT C, ROAM FILING NO. 4, A SUBDIVISION PLAT RECORDED JULY 10, 2024 AT RECEPTION NO. 2024004257, SAID GRAND COUNTY RECORDS.

GENERAL NOTES

- 1) THE BASIS OF BEARINGS SHOWN ON THIS IMPROVEMENT LOCATION CERTIFICATE ARE BASED ON THE ASSUMPTION THAT THE WEST RIGHT-OF-WAY LINE OF S40 SLEWILD ROAD, BEARS S89°10'41"E, AS MONUMENTED AND SHOWN HEREON.
- 2) THE BASIS OF ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NGS STATION N 137, A STANDARD NGS BRASS CAP MARKED "N 137 1964", PUBLISHED ELEVATION = 8436.43 U.S. SURVEY FEET. ON-SITE ELEVATIONS TRANSFERRED BY RTK METHODS.
- 3) THIS IMPROVEMENT LOCATION CERTIFICATE IS NOT A LAND SURVEY PLAT AS SET FORTH IN CRS 38-51-102(1)(2) OR AN IMPROVEMENT SURVEY PLAT AS SET FORTH IN CRS 38-51-102(6), 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. WBS LLC AND MICHAEL SEAN KERVIN, 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 IMPROVEMENT LOCATION CERTIFICATE AS DISCLOSED ON THE FINAL PLAT. AT THE REQUEST OF THE OWNER NO ADDITIONAL RESEARCH WAS PERFORMED BY WBS LLC. SEE NOTES ON THE RECORDED PLAT.
- 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 5/29/2025 BY MICHAEL KERVIN.
- 7) ALL UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED BY THE APPROPRIATE AGENCY PRIOR TO ANY CONSTRUCTION.

ADDRESS  
(NOT POSTED)

LOT 1 - 141 S40 SLEWILD ROAD, WINTER PARK, CO. 80482  
LOT 2 - 137 S40 SLEWILD ROAD, WINTER PARK, CO. 80482  
LOT 3 - 131 S40 SLEWILD ROAD, WINTER PARK, CO. 80482  
LOT 4 - 129 S40 SLEWILD ROAD, WINTER PARK, CO. 80482  
AMENDED PARCEL B - 121 S40 SLEWILD ROAD, WINTER PARK, CO. 80482

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  
FRASER RIVER DEVELOPMENT COMPANY (FRDC)

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 EVSTUDIO, AND DESCRIBES THE PARCELS APPEARANCES ON MAY 20TH, 2025. 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.

  
MICHAEL SEAN KERVIN, CO. REG. 54392  
FOR AND ON BEHALF OF EVSTUDIO