BOARD OF ADJUSTMENTS
AND
PLANNING COMMISSION
MEETING AGENDA
501 Main Street, Fairplay

BOARD OF ADJUSTMENT

.1. APPROVAL OF AGENDA

.2. APPROVAL OF MINUTES FROM NOVEMBER 8, 2016

.3. PUBLIC HEARINGS

.3.1. VARIANCE CASE #16SET-07:

VARIANCE CASE #16SET-07: Property is Indian Mountain Lot 103 Filing 25 Unit 2 addressed as 144 Red Cloud Drive, Como. Applicant is requesting a 15 foot variance from the side setback requirement in order to construct a garage.
APPLICANT: Arthur & Rose Lowitzer
CONTINUED FROM NOVEMBER 8, 2016

Documents:

16SET_07_APP.pdf
16SET_07_Lowitzer_BOAStaffReport2.pdf
Referral Responses.pdf

PLANNING COMMISSION

.1. APPROVAL OF AGENDA

.2. APPROVAL OF MINUTES FROM NOVEMBER 8, 2016

.3. PUBLIC HEARINGS

.3.1. REZONING CASE #16ZON-14:

Property is New Lot 19, Badger Creek Ranch No. 1, addressed as 353 McMurry Road, Hartsel. Applicant is requesting to rezone the lot from the Residential zone district to the Residential Estate zone district.
APPLICANT: Erik and Michele Wayland

.3.2. PUD AMENDMENT CASE #16PUD-02:

Property is known as Unit 49 Moore Dale Ranch Resort, addressed as 57920 Highway 285. Applicant is requesting an amendment to the PUD changing the use of the existing Event Center/Club House to single family residence.
APPLICANT: Moore Dale Ranch Resort Homeowners Association

Any further information can be obtained at:
Park County Planning Department, 1246 Co Rd 16
P.O. Box 1598 Fairplay, CO. 80440
(719) 836-4254
pcpd@parkco.us

Sch# 38238
16SET-07

PARK COUNTY APPLICATION FOR
VARIANCE
NON-REFUNDABLE APPLICATION FEE: $1060

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty-five (25) collated copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: ARTHUR C. & ROSE LOWITZER

Mailing Address: 915 CREST WAY, EMMAUS, PA 18049

City: EMMAUS State: PA Zip: 18049

Telephone

(work) 215.290.1700 (home) 215-290-1700 (fax) _____

Owner's Name: ARTHUR C. & ROSE LOWITZER

Mailing Address: 915 CREST WAY, EMMAUS, PA 18049

Telephone No.: 215-290-1700

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Variance (attach additional page, if necessary):

INDIAN MOUNTAIN, FILING 25, UNIT 2, LOT 103

Street Address of Property: 144 RED CLOUD DRIVE

Property's Total Acreage: 5.66

Current Zone District of Property: R

Proposed Zone District of Property: R

For County Use Only
Planning Department Confirmation of Current Zone District:
District: Residential (R)
Jillian Falchi
Print Full Name

Requirements for a Variance
Article III, Division 1, Section 3-100

C. APPLICATION REQUIREMENTS

	For County Use Only: Initial Receipt of the Required Information
1. Application Fee. An application fee in the amount of $1060 must be paid at the time of submission of the application. Make the check or money order to the Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.	(1.) JF
2. Tax receipt-showing payment of current taxes. This can be obtained at the Park County Treasurer's office.	(2.) JF
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.	(3.) JF
4. A legal description of the property proposed for the Variance prepared by a licensed Colorado land surveyor.	(4.) JF
5. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Variance, this information is at Park County Assessor's Office.	(5.) JF
6. A vicinity map of where the proposed property is located within Park County.	(6.) JF
7. A site plan drafted at a commonly used engineering scale with clear indication how the variance relates to the affected land with the following information:	(7.) JF
a. Name and address of the owner;	(7a.) JF
b. Date of preparation, map scale, and north arrow;	(7b.) JF
c. Lot dimensions, total acreage, and points of access to the property, internal roads and trails. The map must illustrate how access is obtained from the property subject to variance to the nearest county road or highway;	(7c.) JF
d. Natural features of the property subject to variance including, wetlands, floodplain, riparian areas, water bodies, rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than twenty-five percent (25%);	(7d.) JF
e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas;	(7e.) JF
f. The dimensions, height and setbacks of all existing and proposed structures.	(7f.) JF
g. A clear illustration or description of the proposed variance, using shading, crosshatching, or highlighting, to accurately illustrate the proposal.	(7g.) JF
8. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).	(8.) JF

For County Use Only: Initial Receipt of the Required Information
(9.) JF
(10.) JF
(11.) JF
(12.) JF

9. Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable

10. A written description identifying the specific provision of the Land Use regulations that the owner seeks to vary and the extent to which the provision is proposed to be varied or modified.

11. A written description of the reasons justifying the variance detailing how the standards for approval of the variance provided by Section 3-100(B) are met or satisfied.

12. Any other information that are judged necessary by the Planning staff to ensure compliance with the Standards for Approval.

Note: Refer to Park County Land Use Regulations Article III, Standards for Approval of Variance.

Variance Application - Lowitzer, 144 Red Cloud Drive, Jefferson, CO 80456

We are asking to forego the 30 foot distance to property line on lot 102 owned by Jim and Rose Linn , PO Box 1351, Fairplay, CO, ph # 719-836-0955.

We are hoping to have a garage built in the area shown on the diagram. This site is on the same side as the electricity, and away from the propane gas tank so the propane company or any emergence vehicle can easily get to house and propane tank. The pathway from the garage door to the front door of our house will be easier. There is a strong slope on the other side other of the property that would make it difficult to try and build a garage. We believe our request meets the County's criteria for a variance as follows:

Criterion 1: The proposed site for location of our garage is best because of the slope of our lot. The North side of the drive, where we propose to build, is much more level than that to the South. Additionally, the North side is closer to the electrical supply point (which is on the North) and further from the propane tank (on the South. To build on the South side may in fact impede access to the propane tank for both the propane company and for emergency purposes.

Criterion 2: As noted above, our propane tank is located on the South side of the drive, and putting a garage on that side may place an obstacle for the propane company and for emergency vehicles/personnel who may need access to the tank. The propane tank was placed by builder and original owners of the cabin in 1996. We purchased the property in March, 2004.

Criterion 3: We have spoken with Mr. Jim Linn, our neighbor, about our desired placement, and he has assured us that he has no objection. Further, it is our belief that our location presents the lease obstruction to viewing the beauty of the area and its surroundings. Placing it on the South side of the drive, would, in our opinion, present such an obstacle.

Criterion 4: We believe that the intent and purpose of the regulation is in fact better served by building in the proposed location. A structure there poses no barrier to our neighbors to the North, and it allows good viewing from the drive to the South.

Thank you for your consideration.

Park County Website | Treasurer Web Site

Colorado
PARK COUNTY
Treasurer: Michelle Miller

New Search | Return To Search Results | Print Bill

Real Estate TAX/NOTICE RECEIPT FOR PARK COUNTY

SCHEDULE # R 38238 2015

PROPERTY ADDRESS: RED CLOUD DR 144 COMO
TAXABLE VALUE: $20,760.00 **ACTUAL VALUE:** $260,810.00 **TAX DISTRICT:** 010

Owners Name
LOWITZER ARTHUR CHARLES
LOWITZER ROSE
915 CREST WY
EMMAUS PA 18049

Legal Description
T09 R75 S25 SE4 INDIAN MOUNTAIN
FILING 25 UNIT 2 LOT 103

TAX:	$1,345.38
INTEREST:	$0.00
FEE:	$0.00
TOTAL TAX & ASMTS.:	$1,345.38
UNPAID BALANCE:	**$0.00**

Select a payment option below.

First Half: Feb 28th
Second Half: June 15th
OR
Full Payment: April 30th

Pay Full Amount

Paid

Last Payment: 02/17/2016 **Amount :** $1,345.38

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599841 05/26/2004 01:05P
1 of 1 R 6.00 D 0.00 DEBRA A GREEN PARK CO

RE-RECORD TO CORRECT LEGAL DESCRIPTION

599817 05/18/2004 12:28P
1 of 1 R 6.00 D 22.50 DEBRA A GREEN PARK CO

WARRANTY DEED

THIS DEED, Made this 5th day of March , 2004.
between Peter F. Tedstrom and Nicole R. Tedstrom

STATE DOCUMENTARY FEE
DATE 5/18/04
$ 22.50

of the County of Park and State of Colorado
grantor, and Arthur Charles Lowitzer and Rose Lowitzer

whose legal address is 1681 West Canal Circle #1-1, Littleton, CO 80120

of the County of Park and State of Colorado , grantee:

WITNESS, That the grantor, for and in consideration of the sum of TWO HUNDRED TWENTY FIVE THOUSAND AND NO/100---------- ----------DOLLARS, ($225,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of Park and State of Colorado, described as follows:

Lot 103, INDIAN MOUNTAIN FILING NO. 25, UNIT 2, County of Park, State of Colorado.

STATE DOC FEE $22.50

also known by street and number as 144 Red Cloud Drive, Fairplay, Colorado 80456

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, their heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8a [Title Review], of the contract dated _____, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Peter F. Tedstrom

Nicole R. Tedstrom

STATE OF COLORADO }
COUNTY OF JEFFERSON } ss.

JEAN L. ALEXANDER NOTARY PUBLIC STATE OF COLORADO

The foregoing instrument was acknowledged before me this 5th day of March , 2004, by Peter F. Tedstrom, Nicole R. Tedstrom

My Commission expires: My Commission Expires 7/20/2004

Witness my hand and official seal.

Notary Public

WARRANTY DEED (to Joint Tenants) 5/18/2004 Filed NO12/2003

STATE DOCUMENTARY FEE
DATE 5-26-04
$ 0

NO REAL PROPERTY TRANSFER DECLARATION ACCOMPANIED THIS DOCUMENT

I hereby certify this to be a full, true and correct copy of the original document.
TITLE AMERICA
BY:

Names & Mailing Addresses of property owners adjacent to Indian Mountain Filing 25, Unit 2, Lot 103:

Lot 102: James H. Linn & Rose E. Linn, P.O. Bos 1351, Fairplay, CO 80440

Lot 104: Gerald J. Maly & Carolyn A. Maly, 7750 County Line Rd., Meadowlands, MN55765

INDIAN MOUNTAIN
FILING 25 UNIT 2
PARK COUNTY

SURVEYOR'S CERTIFICATE

I, THOMAS L. BURNETT, HEREBY CERTIFY THAT THE SURVEY AND PLAT OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON WERE MADE BY ME OR UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING, IN STRICT COMPLIANCE WITH COLORADO STATUTES, AND THAT BOTH SURVEY AND PLAT ARE TRUE, ACCURATE AND COMPLETE.

April 28, 1981 — DATE

Thomas L. Burnett
THOMAS L. BURNETT L.S. #11944

HOLDERS OF DEEDS OF TRUST

RICHARD H. BETZING & EVALYNN R. BETZING
WILLIAM F. VIGOR & GLORIA M. VIGOR
BILLY B. WYATT & VERA B. WYATT

BY: BILLY B. WYATT, ATTORNEY IN FACT

SAUL N. DAVIDSON

BY: MILFORD S. PEPPER

JAMES H. PETERSEN

PARK DEVELOPMENT COMPANY

BY: JAMES P. CAMPBELL

CURVE DATA

NO.	DELTA	TANGENT	RADIUS	LENGTH
1.	39°33'49"	50.00'	139.02'	95.99'
2.	45°30'14"	60.00'	143.07'	113.63'
3.	82°41'08"	60.00'	68.19'	98.41'
4.	47°18'21"	50.00'	114.16'	94.25'
5.	64°04'47"	43.59'	69.65'	77.89'
6.	63°47'45"	43.59'	70.03'	77.98'
7.	90°08'13"	80.00'	79.81'	125.55'
8.	11°58'03"	40.00'	381.62'	79.71'
9.	13°29'40"	40.00'	338.10'	79.63'
10.	11°18'39"	40.00'	403.93'	79.74'
11.	27°25'13"	50.88'	208.56'	99.81'
12.	21°40'33"	50.88'	265.77'	100.54'
13.	13°31'31"	40.00'	337.32'	79.63'
14.	73°20'30"	60.00'	80.58'	103.15'
15.	76°42'13"	75.04'	94.84'	126.96'
16.	41°26'49"	50.00'	132.16'	95.60'
17.	31°20'11"	60.00'	213.91'	116.99'
18.	26°11'45"	40.00'	171.92'	78.60'
19.	46°15'20"	60.00'	140.48'	113.41'
20.	09°48'34"	50.00'	582.66'	99.76'
21.	15°47'11"	40.00'	288.52'	79.49'
22.	53°28'55"	52.30'	103.81'	96.90'
23.	42°14'07"	36.16'	93.64'	69.02'
24.	25°42'53"	40.00'	175.25'	78.65'
25.	34°02'54"	50.00'	163.30'	97.04'
26.	50°58'24"	60.00'	125.87'	111.98'
27.	32°18'44"	50.00'	172.59'	97.34'
28.	26°47'48"	100.00'	419.81'	196.34'
29.	38°23'46"	50.00'	143.60'	96.23'
30.	17°18'15"	50.00'	328.59'	99.24'
31.	34°13'14"	60.00'	194.91'	116.41'
32.	68°02'14"	100.00'	148.15'	175.93'
33.	20°25'40"	50.00'	277.50'	98.94'
34.	19°10'20"	50.00'	296.05'	99.07'
35.	21°98'52"	40.00'	209.21'	79.05'
36.	11°55'30"	40.00'	382.99'	79.71'
37.	20°02'58"	40.00'	226.28'	79.18'
38.	86°52'26"	60.00'	63.37'	96.08'
39.	41°50'46"	50.00'	130.78'	95.51'
40.	82°40'56"	60.00'	68.20'	98.41'
41.	97°19'12"	70.00'	61.58'	104.60'
42.	41°58'34"	50.00'	130.34'	95.49'
43.	25°57'32"	50.00'	216.93'	98.28'
44.	08°35'20"	40.00'	532.67'	79.85'
45.	22°06'43"	50.00'	255.89'	98.76'
46.	29°46'19"	58.21'	218.97'	113.78'
47.	25°29'30"	58.21'	257.32'	114.48'
48.	15°45'05"	50.00'	361.46'	99.37'
49.	39°55'22"	90.00'	247.79'	172.66'
50.	73°34'44"	70.00'	93.61'	120.21'
51.	42°48'04"	50.00'	127.58'	95.31'
52.	40°05'51"	50.00'	137.01'	95.88'

NOTES

1. 5/8" REBAR WITH SURV CAP HAVE BEEN SET AT ALL CORNERS.
2. A 7.5' EASEMENT FOR UTILITIES SHALL BE GRANTED ALONG EACH SIDE AND REAT LOT LINE. A 15' EASEMENT FOR UTILITIES SHALL BE GRANTED ALONG ALL PLAT EXTERIOR BOUNDARY LINES.
3. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR OBTAINING A BUILDING PERMIT FROM THE COUNTY.
4. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR OBTAINING THEIR OWN SEPTIC TANK SITE APPROVAL FROM THE COUNTY OR STATE HEALTH DEPARTMENT.

*5. SUFFICIENT SOIL DEPTH TO PROVIDE 4' THICK ABSORPTION BEDS MAY NOT EXIST ON ALL LOTS, IN SUCH CASES THE SEWAGE TREATMENT SYSTEM SHALL BE DESIGNED BY A COLORADO REGISTERED ENGINEER.

6. ALL PROPERTY LINES INTERSECTION AT STREET CORNERS SHALL HAVE A 15' RADIUS, DIMENSIONS ARE TO THE POINT OF INTERSECTION.
7. ALL BUILDING PROHIBITED IN FLOOD PLAIN EASEMENTS.
8. ALL FLOOD PLAIN EASEMENTS ARE TO BE EQUALLY CENTERED ALONG THE CENTERLINE OF THE EXISTING STREAM CHANNEL.
9. ALL UTILITIES (ELEC., WATER, SEWER, GAS AND TELEPHONE) SHALL BE PROVIDED AT THE INDIVIDUAL LOT OWNERS EXPENSE.
10. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR OBTAINING A DRIVEWAY PERMIT FROM THE COUNTY.
11. THIS SUBDIVISION IS LOCATED IN THE JEFFERSON-COMO FIRE DISTRICT.
12. ALL MINERAL RIGHTS WILL BE RETAINED BY INDIAN MOUNTAIN CORPORATION, IF ANY.
13. DEED RECORDED AT BOOK 251 PAGE 17.
14. THIS SUBDIVISION CONTAINS 56 LOTS.
15. THIS PROPERTY HAS R-1 COUNTY ZONING.
16. THIS PLAT CONTAINS 14,811.00' FEET OF DEDICATED ROAD.
17. COVENANTS RECORDED AT BOOK 218 PAGE 878 THRU 882.
18. OUTLOT A WILL BE DEEDED TO THE INDIAN MOUNTAIN PARKS AND RECREATION DISTRICT.
19. A MINIMUM DISTANCE OF 200' BETWEEN ALL WELLS AND LEACH FIELDS WILL BE REQUIRED.
20. LOTS ____ AND ____ ARE DEEDED TO PARK COUNTY.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE INDIAN MOUNTAIN [illegible] COLORADO CORPORATION, BEING THE OWNERS OF THAT PORTION OF [illegible] R.75 W., OF THE 6th P.M., COUNTY OF PARK, STATE OF COLORADO [illegible]

BEGINNING AT THE SE CORNER OF SAID SECTION 25, THENCE N[illegible] THE SOUTH LINE OF SAID SECTION 25 FOR A DISTANCE OF 2362.5[illegible] N13°00'00"W LEAVING SAID SOUTH LINE SECTION 25 FOR A DISTA[illegible] THENCE N80°56'11"W FOR A DISTANCE OF 347.32' TO A POINT ON [illegible] RIGHT OF WAY OF LONG BOW DRIVE, THENCE N09°03'49"E ALONG S[illegible] FOR A DISTANCE OF 82.59', THENCE N80°56'11"W CROSSING SAID [illegible] DISTANCE OF 60.00', TO A POINT ON THE WESTERLY RIGHT OF WA[illegible] DRIVE, THENCE NORTHERLY ALONG SAID WESTERLY R.O.W. FOR THE [illegible] COURSES, TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA [illegible] WHOSE RADIUS IS 169.02' FOR A DISTANCE OF 116.71', THENCE [illegible] DISTANCE OF 65.06', THENCE TO THE LEFT ALONG THE ARC OF A [illegible] IS 45°30'14" AND WHOSE RADIUS IS 113.07' FOR A DISTANCE OF [illegible] N03°07'23"E FOR A DISTANCE OF 127.94', THENCE N21°58'47"E [illegible] 71.04', THENCE TO THE LEFT ALONG THE ARC OF A CURVE WHOSE [illegible] AND WHOSE RADIUS IS 351.62' FOR A DISTANCE OF 73.44', THEN[illegible] A DISTANCE OF 58.82', THENCE TO THE LEFT ALONG THE ARC OF [illegible] IS 13°29'40" AND WHOSE RADIUS IS 308.10' FOR A DISTANCE OF [illegible] N03°28'56"E FOR A DISTANCE OF 191.04', THENCE TO THE RIGHT [illegible] A CURVE WHOSE DELTA IS 11°18'39" AND WHOSE RADIUS IS 433.9[illegible] OF 85.66', THENCE N07°49'43"E FOR A DISTANCE OF 97.75', TH[illegible] ALONG THE ARC OF A CURVE WHOSE DELTA IS 27°25'13" AND WHOS[illegible] FOR A DISTANCE OF 85.45', THENCE TO THE RIGHT ALONG THE AR[illegible] DELTA IS 21°40'33" AND WHOSE RADIUS IS 295.77' FOR A DISTA[illegible] THENCE N02°05'03"E FOR A DISTANCE OF 163.93', THENCE S85°2[illegible] SAID R.O.W. FOR A DISTANCE OF 341.85', THENCE N04°30'00"E [illegible] 533.99', THENCE N48°15'00"E FOR A DISTANCE OF 628.66', THE[illegible] FOR A DISTANCE OF 825.02', THENCE NORTH FOR A DISTANCE OF [illegible] N65°06'26"E FOR A DISTANCE OF 729.63' TO A POINT ON THE WE[illegible] LONG BOW DRIVE, THENCE S45°32'56"E CROSSING SAID R.O.W. FO[illegible] 60.00', TO A POINT ON THE EASTERLY R.O.W. OF SAID LONG BOW [illegible] SOUTHERLY ALONG SAID EASTERLY R.O.W. FOR 4 COURSES, S44°2704[illegible] ALONG THE ARC OF A CURVE WHOSE DELTA IS 34°13'14" AND WHOS[illegible] FOR A DISTANCE OF 98.49', THENCE S10°13'50"W FOR A DISTANC[illegible] THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA I[illegible] WHOSE RADIUS IS 358.59' FOR A DISTANCE OF 108.30', THENCE [illegible] SAID R.O.W. FOR A DISTANCE OF 456.34', THENCE N81°06'57"E [illegible] 1294.00', TO A POINT ON THE EAST LINE OF SAID SECTION 25, [illegible] ALONG SAID EAST LINE FOR A DISTANCE OF 4182.31' TO THE SE [illegible] SECTION 25, THE POINT OF BEGINNING. CONTAINING 244.57 ACR[illegible] ALL BEARINGS ARE REFERENCED TO INDIAN MOUNTAIN, FILING NO. [illegible] SAID OWNERS HAVE BY THESE PRESENTS LAID OUT, PLATTED AND S[illegible] INTO LOTS AND BLOCKS, AS SHOWN ON THE PLAT, UNDER THE NAME [illegible] INDIAN MOUNTAIN, FILING NO. 25, UNIT 2 AND DOES HEREBY CON[illegible] TO THE COUNTY OF PARK, STATE OF COLORADO FOR THE USE OF TH[illegible] AVENUES, STREETS, DRIVES, COURTS, AND PLACES HEREON SHOWN, [illegible] AS SHOWN HEREON ARE RESERVED AND/OR DEDICATED FOR THE PURP[illegible]

EXECUTED THIS 28th DAY OF APRIL

INDIAN MOUNTAIN CORP[illegible]
A COLORADO CORPORATI[illegible]
BY JAMES P. CAMPBELL

NOTORIAL

STATE OF COLORADO
COUNTY OF PARK

THE FOREGOING STATEMENT AND DEDICATION WAS ACKNOWLEDGED BE[illegible] THIS 28 DAY OF April A.D. 1981.

MY COMMISSION EXPIRES 4-1-84
WITNESS MY HAND AND SEAL

NOTARY PUBLIC

TITLE CERTIFICATE

FIRST AMERICAN TITLE INSURANCE COMPANY HEREBY CERTIFIES THAT TITLE TO THE ABOVE DESCRIBED PROPERTY IS VESTED IN THE DEDICATORS.

4-22-1981 — DATE
HARRY L. PAULSEN

APPROVED BY THE PARK COUNTY BOARD OF COMMISSIO[illegible]

APPROVED BY THE PARK COUNTY BOARD OF COMMISSIONERS, THI[illegible] DAY OF May A.D. 1981, SUBJECT TO THE PROVI[illegible] THE COUNTY SHALL NOT UNDERTAKE THE MAINTENANCE OF SAID ROA[illegible] SATISFACTORY CONSTRUCTION THEREOF BY THE SUBDIVIDER. SAID [illegible] WILL BE ACCEPTED BY RESOLUTION AT A REGULAR COUNTY COMMISS[illegible] MEETING AFTER COMPLETION AND INSPECTION.

BY:

CLERK

APPROVAL OF PLANNING COMMISSION

APPROVED BY THE PARK COUNTY PLANNING COMMISSION, THIS __ DAY OF APRIL A.D. 1981.

BY

RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COU[illegible] CLERK AND RECORDER OF PARK COUNTY, AT 8:30 ON THE 5[illegible] DAY OF May A.D. 1981, AND DULY FILED AT RECEPT[illegible] NO. 298564.

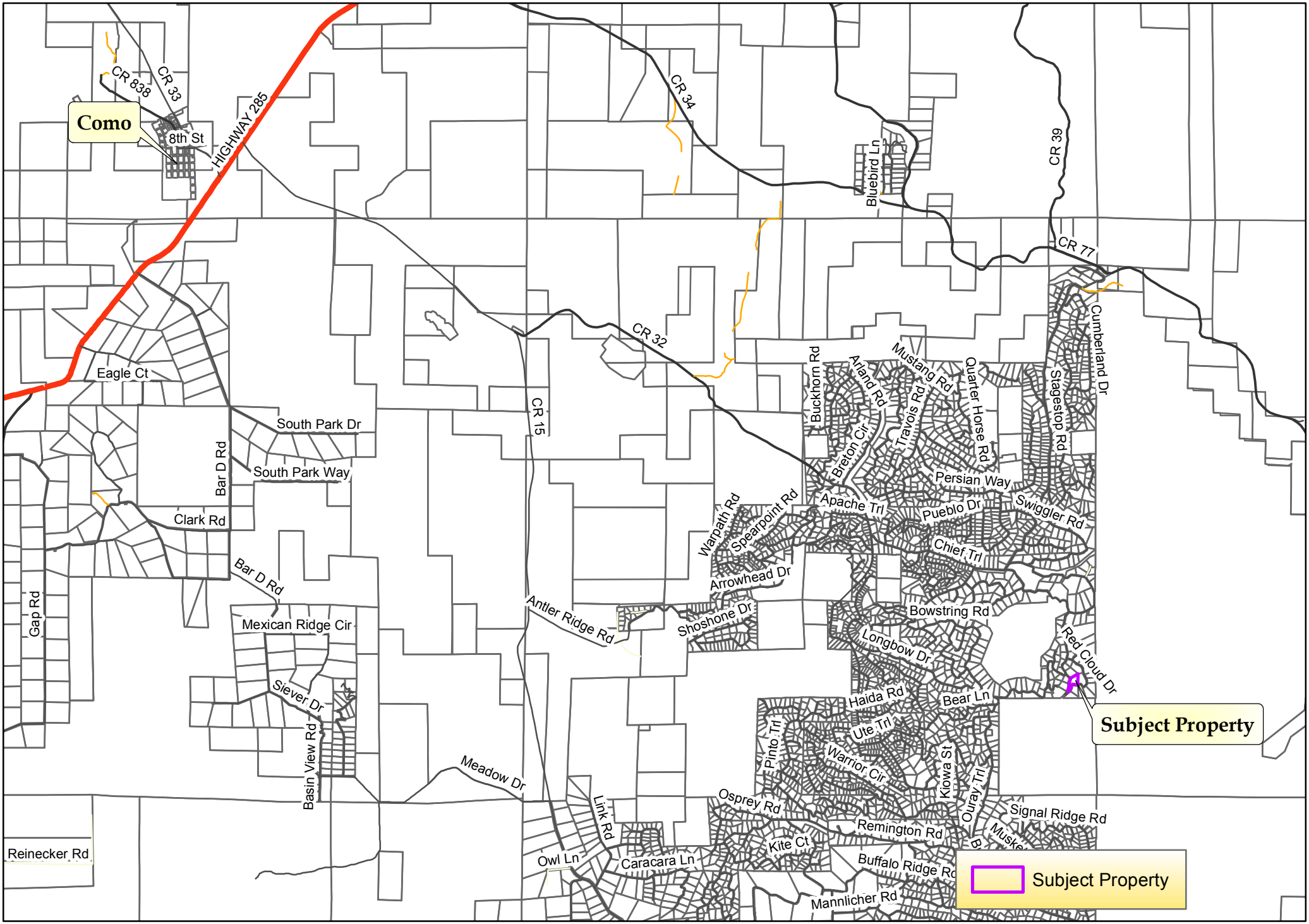
COUNTY CLERK AND RECORD[illegible]

OWNERS CERTIFICATE

I, INDIAN MOUNTAIN CORP. OWNER OF THE ABOVE PLATTED LAND, DO HEREBY STATE THAT TITLE TO SAID LAND IS HELD IN THE NAME OF INDIAN MOUNTAIN CORP. AS SHOWN ON THE COMMITMENT TO INSURE SAID LAND, AND THAT THE LIENS AND ENCUMBRANCES SHOWN ON THE COMMITMENT TO INSURE FROM, FIRST AMERICAN TITLE INSURANCE CO. ARE THE ONLY LIENS AFFECTING SAID PROPERTY AT THE TIME OF THE FILING OF SAID PLAT.

4-28-81 — DATE
OWNER ... Pres.

THIS SHEET CONTAINS 56 LOTS



Date: 9/26/2016

VICINITY MAP

0 0.5 1 2 Miles

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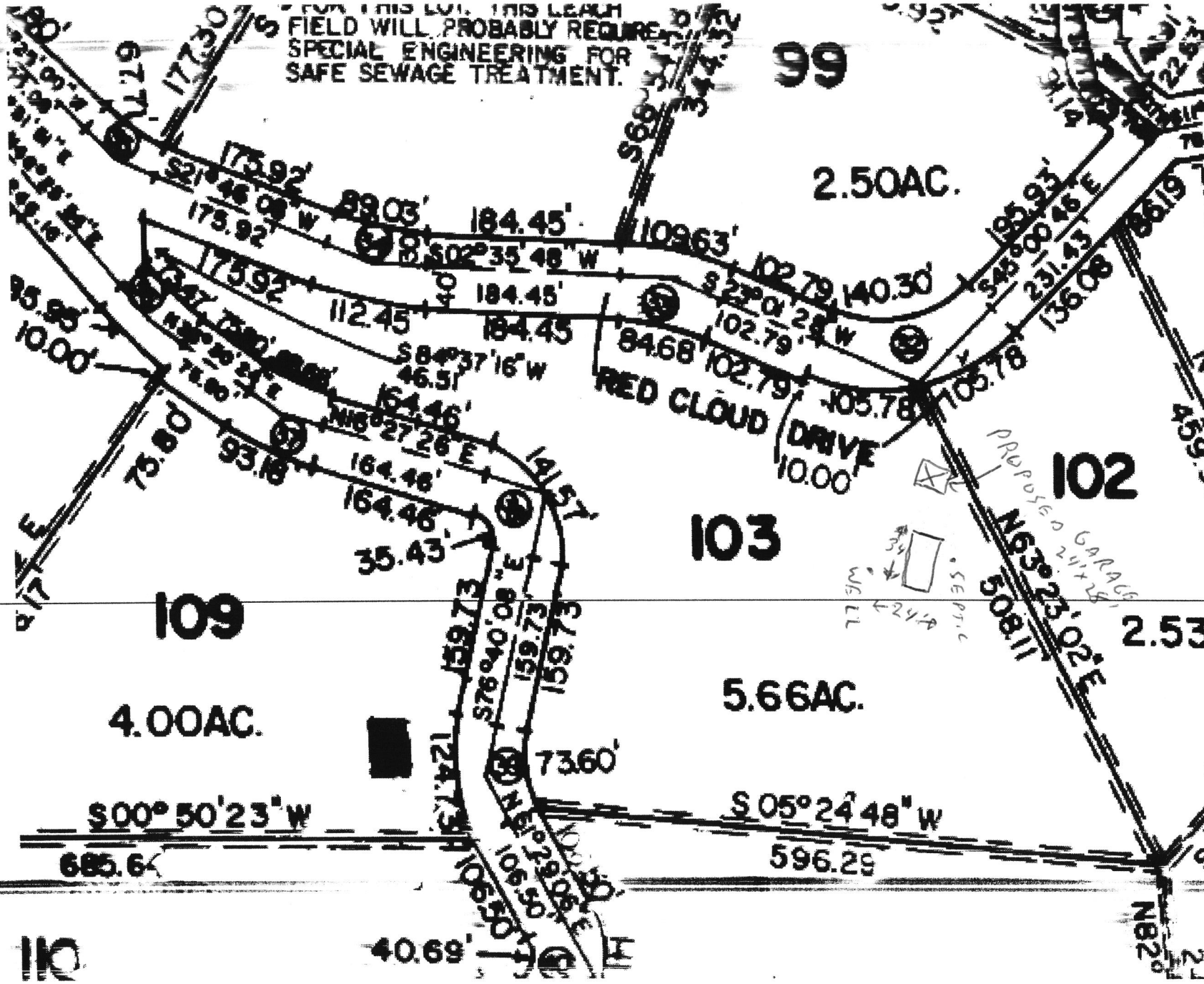
FOR THIS LOT, THIS LEACH FIELD WILL PROBABLY REQUIRE SPECIAL ENGINEERING FOR SAFE SEWAGE TREATMENT.
99
2.50AC.
102
103
109
4.00AC.
5.66AC.
2.53
110
RED CLOUD DRIVE
PROPOSED GARAGE
S00°50'23"W
685.64
S05°24'48"W
596.29
S76°40'08"E
S84°37'16"W
S21°46'08"W
S02°35'48"W
S23°01'28"W
S45°00'46"E
N63°23'02"E
N16°27'26"E
N82°
508.11
73.60'
40.69'
35.43'
93.18'
75.80'
10.00'
184.45'
109.63'
102.79
140.30'
105.78
84.68
112.45
89.03'
175.92'
164.46'
141.57'
159.73
106.50'
124.73'
231.43'
136.08'
195.93'
177.30'
67.71'
459.9'

Date: 9/26/2016

Aerial Map

1 in = 150 feet

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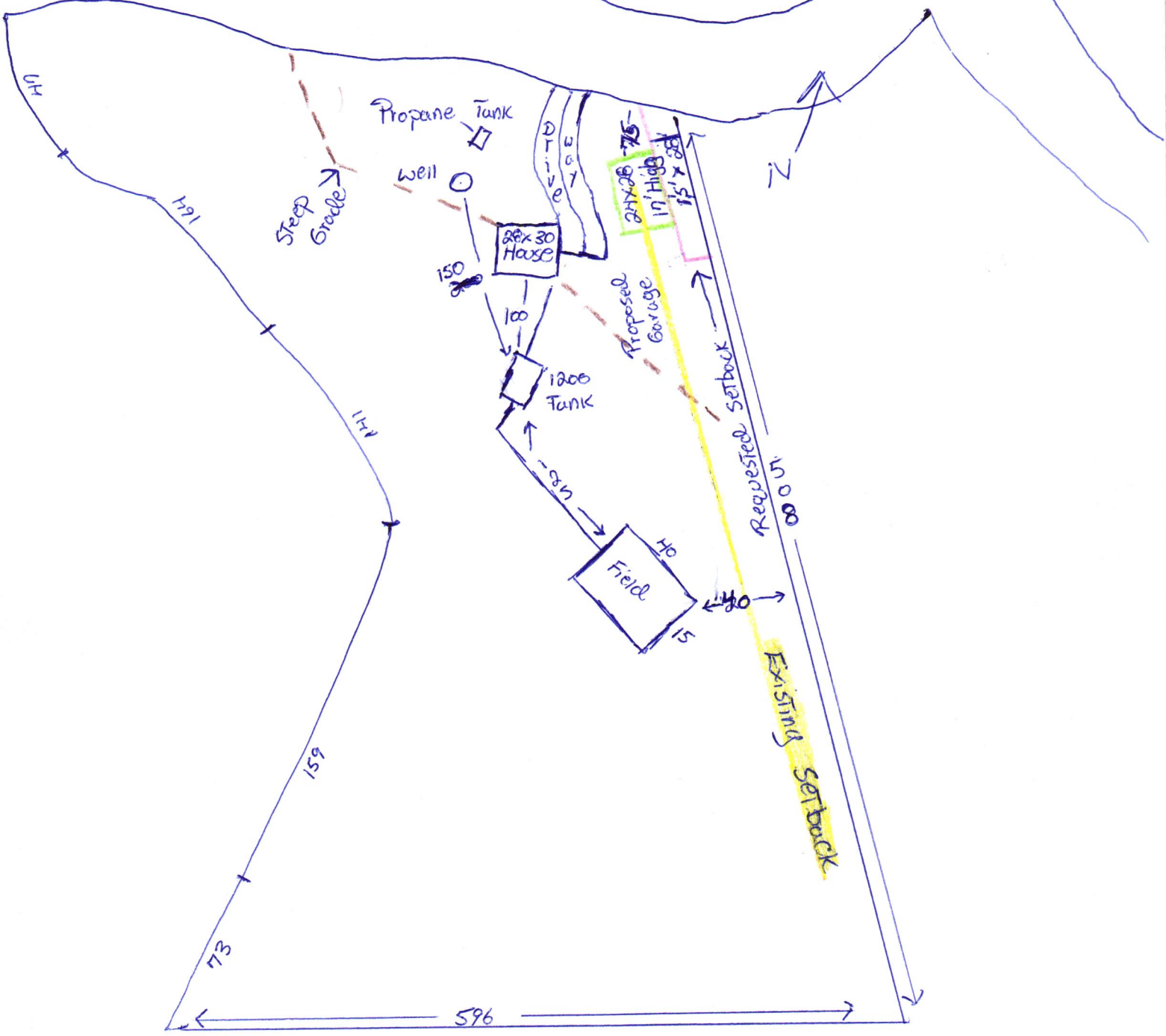
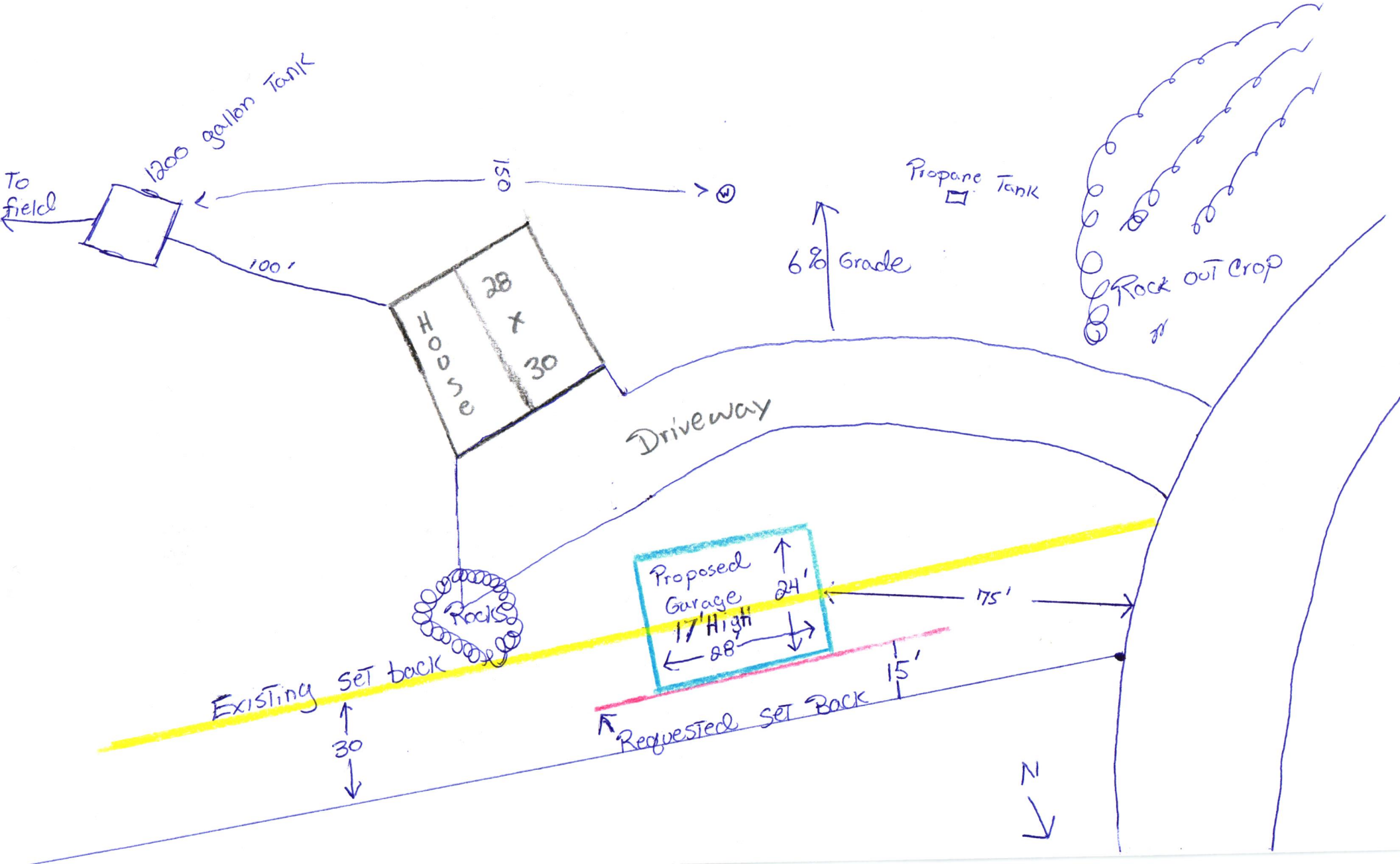
Site Plan 144 Red Cloud Lot 103 #1

Requesting Set Back variance at 15'x28'



Enlarged Example: 144 Red Cloud Lot 103 #2

Site plan: Requesting set back variance



power pole
144 Red Cloud Drive
proposed garage

PARK COUNTY BOARD OF ADJUSTMENTS
PLANNING DEPARTMENT STAFF REPORT

Board of Adjustments Hearing Date: November 8, 2016

To: Board of Adjustments Members

Date: October 26, 2016

Prepared by: Sheila Cross, Director of Development Services
Jill Falchi, Planning Technician

Case Number: 16SET-07

Subject: Lowitzer Variance

Request: The applicant is requesting a 15-foot variance from the north side property line setback requirement to accommodate a proposed garage.

Application Summary:

Applicant/Owner:	Arthur & Rose Lowitzer
Location:	Indian Mountain, Filing 25, Unit 2, Lot 103 addressed as 144 Red Cloud Drive
Current Zone District:	Residential (R)
Surrounding Zoning:	Residential (R) and Conservation Recreation (C/R). See Attachment 1.
Lot Size:	5.66 Acres
Existing Use:	Single Family Residential

Background:

The subject property is located in the western-most portion of the Indian Mountain Subdivision, approximately 1,000 feet from public land. See Attachment 2, Vicinity Map. The applicant is requesting a 15-foot variance from the north side property line setback requirement to accommodate a proposed garage. See applicant's site plan, Attachment 3. Because of the lot's considerable slope, location of propane tank and well head, and desire to protect scenic vistas, the applicant is requesting this variance. See Aerial and Topo Maps, Attachments 4 and 5, respectively. The neighbors to the north have consented to this variance request.

Staff received referral responses from the Assessor and Public Works who had no conflicts and no comments. IREA responded suggesting a condition that the applicant provides a minimum 15' clearance to the proposed garage location and the existing overhead electrical facilities. The applicant's representative and contractor noted that the proposed location of the garage will provide, at a minimum, 20' of clearance.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a variance (Land Use Regulation (LUR) Article III, Division 1, Section 3-100, page 2) is addressed below.

1. **A strict application of the Resolution causes peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness, or shape of a specific piece of land or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the land:**

   The parcel in question has limited building sites because of the slope of the lot. The only other location for the proposed garage, on the south side of the house, was discounted because of the location of a propane tank and well head. Building a garage in that location would block access to both. In addition, the southern location would require considerable expense to bring power to.

2. **The applicant provided reasonable and adequate evidence that the variance request is not a self-imposed hardship that can be rectified by means other than relief through a variance:**

   The hardship was caused by the previous owners who located the well and propane tank in the only other building site on the lot.

3. **There exists no substantial detriment to any neighbor or to the public by the granting of the variance:**

   Staff discerns no substantial detriment to any neighbor or the public that would be caused by granting the variance. According to the applicant, the property owners to the north support this variance.

4. **The intent and purpose of the regulation being varied is not substantially impaired or defeated by the granting of the variance.**

   Setback regulations exist to provide privacy, light access, and air movement between dwellings. Given that the house immediately to the north is approximately 300 feet away from the proposed building site, the purpose of the regulation would not be substantially impaired by granting the request.

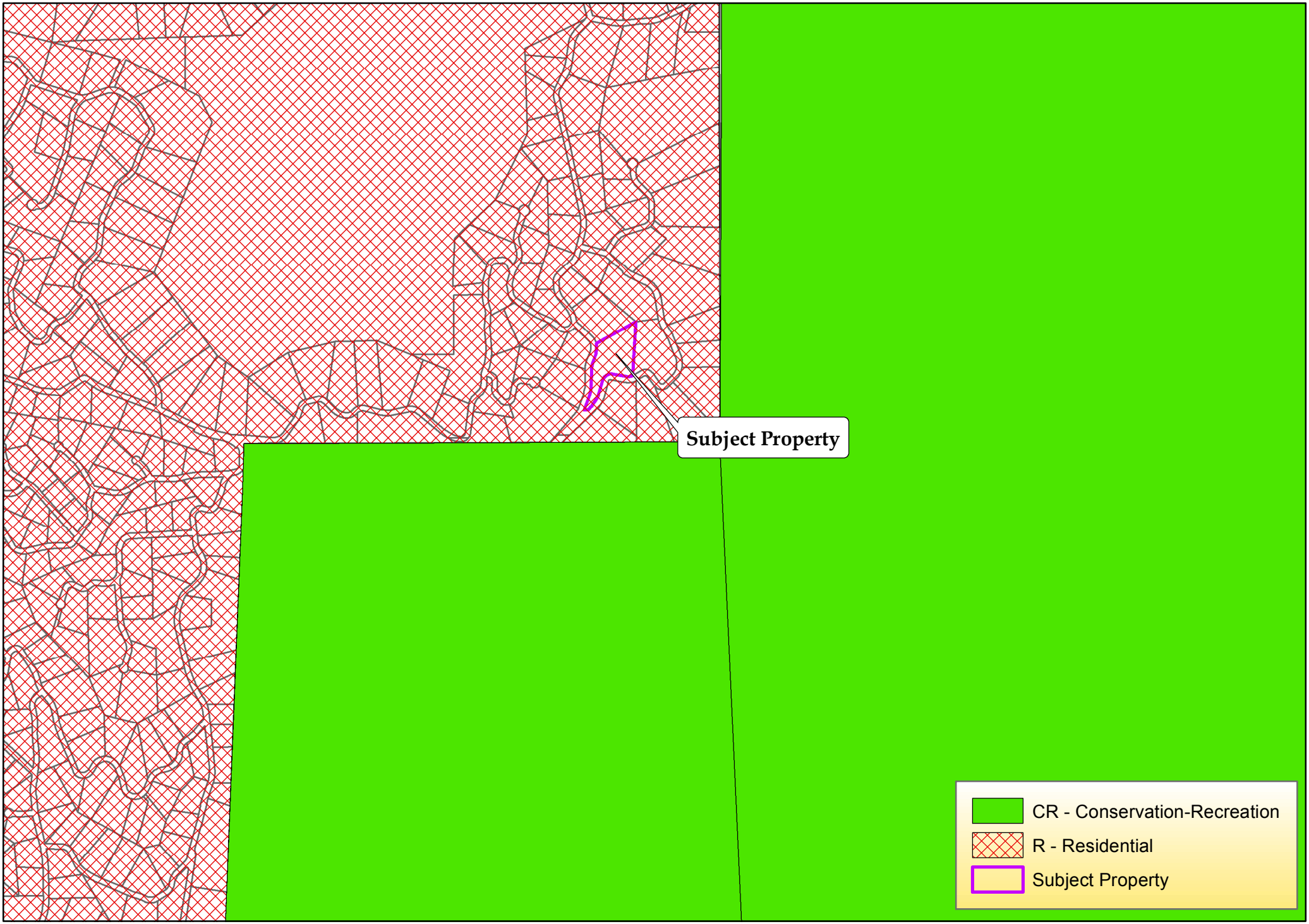
Staff does not find this variance request to be contrary to any of the Guiding Principles of the Strategic Master Plan.

Impact Analysis:
No physical or aesthetic impacts are anticipated.

Public Comment:
No public comments on this variance request had been received at the time this report was prepared.

Recommendation:
Staff recommends approval of the application with the following condition:

1. The applicant provides a minimum 15’ clearance to the proposed garage location and the existing overhead electrical facilities.



Date: 9/26/2016

Attachment 1: Zoning Map

0 0.125 0.25 0.5 Miles

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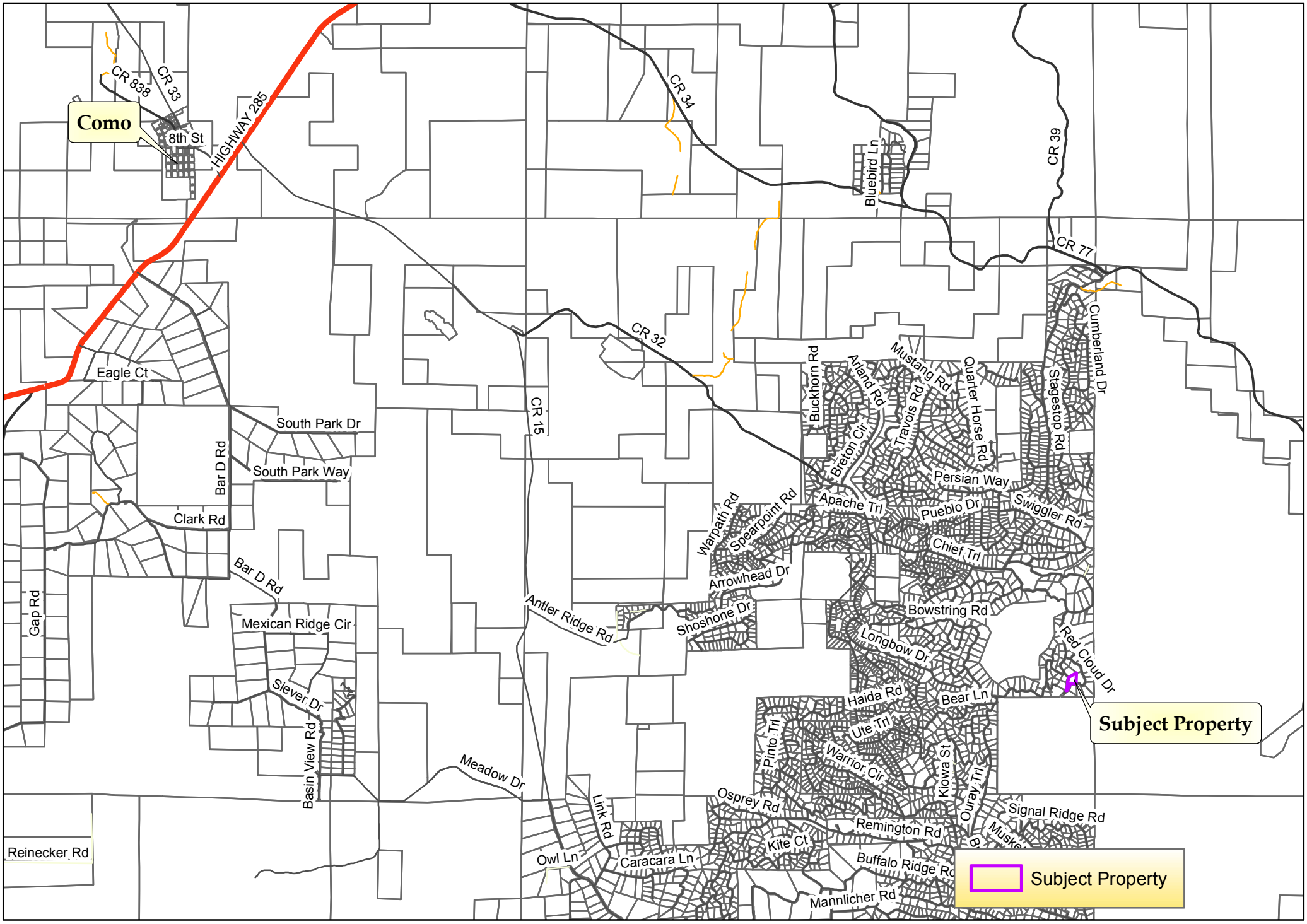
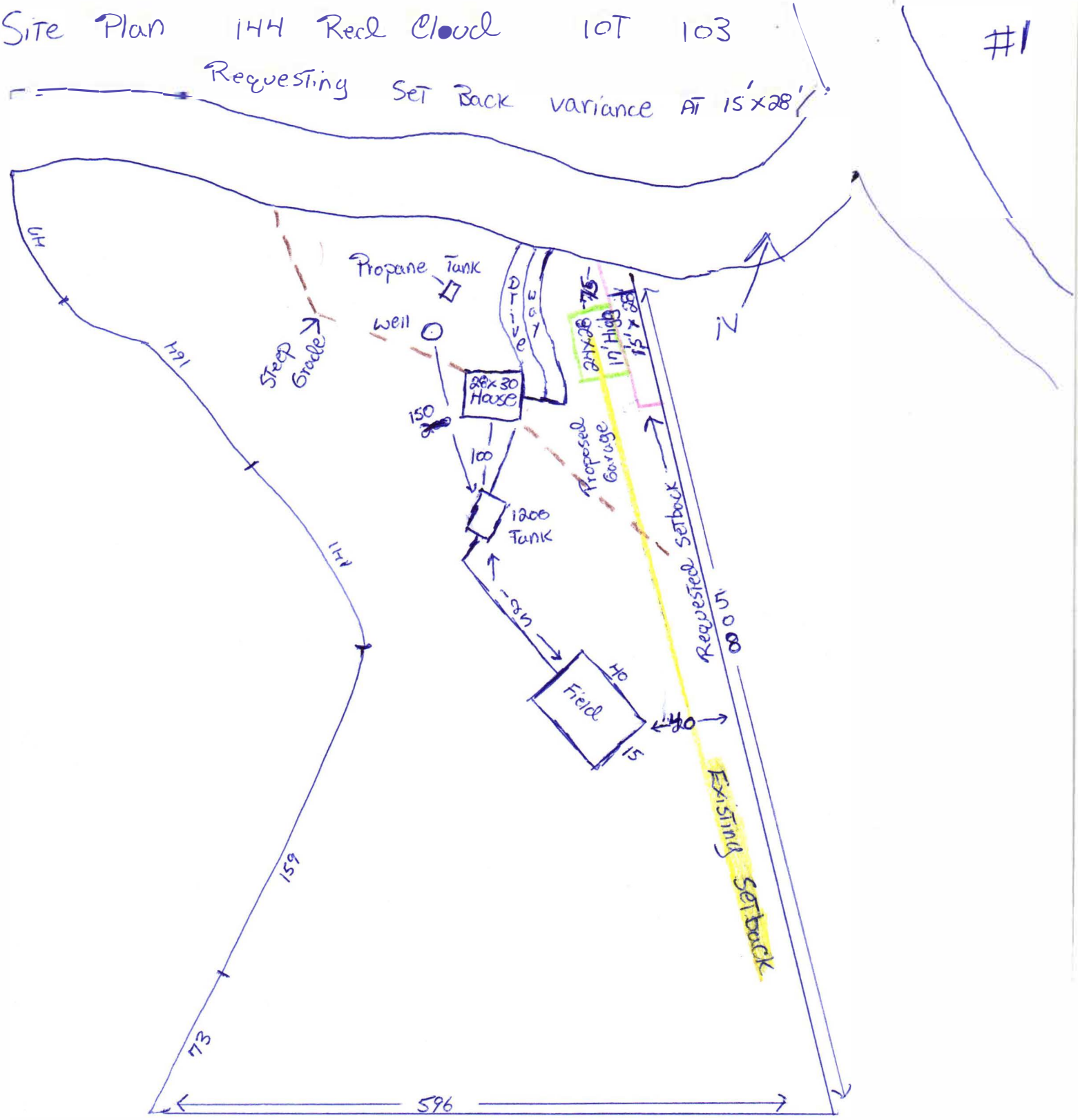


Date: 9/26/2016

0 0.5 1 2 Miles

Attachment 2: Vicinity Map

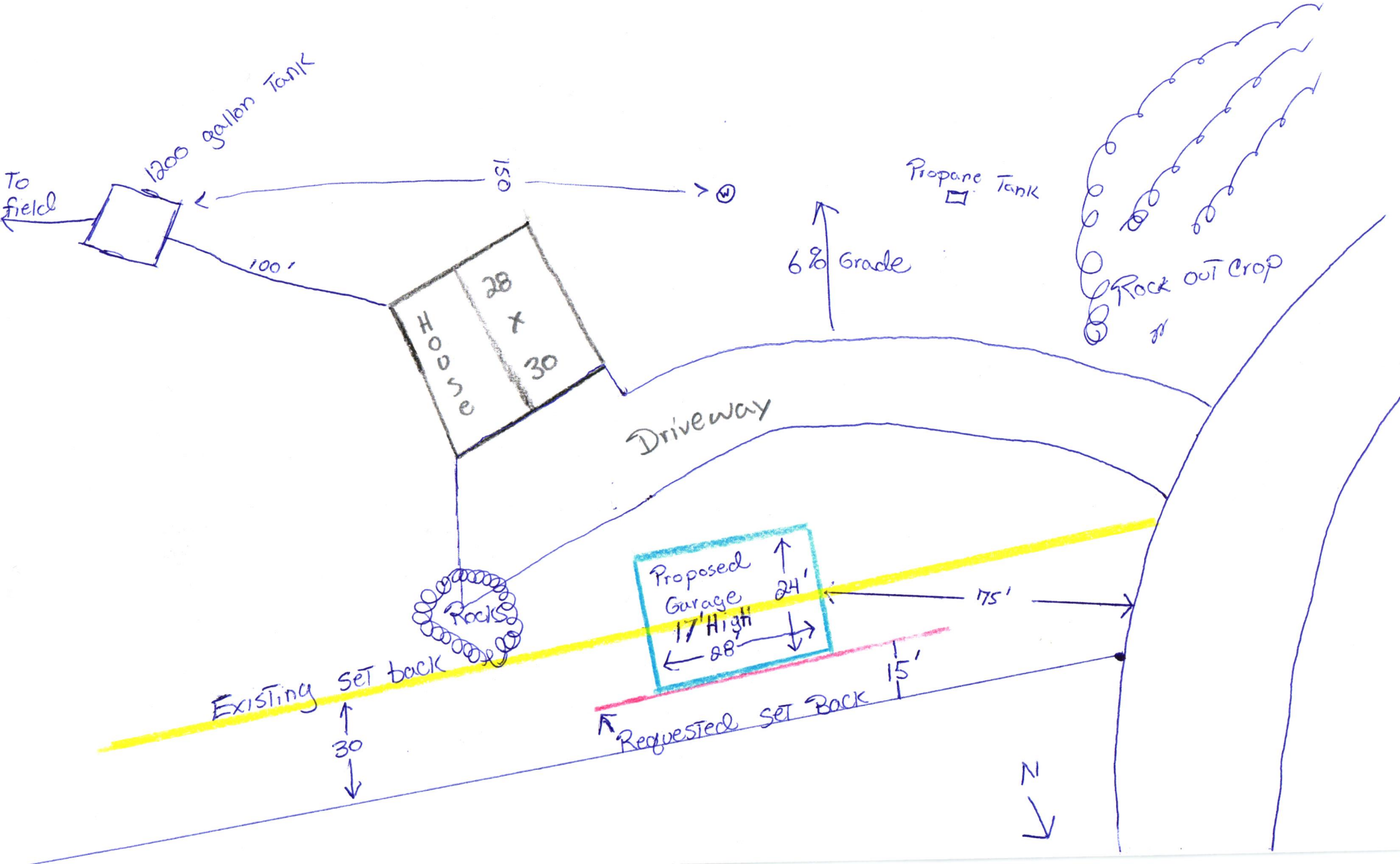
Parcel data should not be considered survey quality. Park County will not be held liable for misuse or misinterpretation of this data. © Park County GIS 2014



Attachment 3: Site Plan

Enlarged Example: 144 Red Cloud Lot 103 #2

Site plan: Requesting set back variance

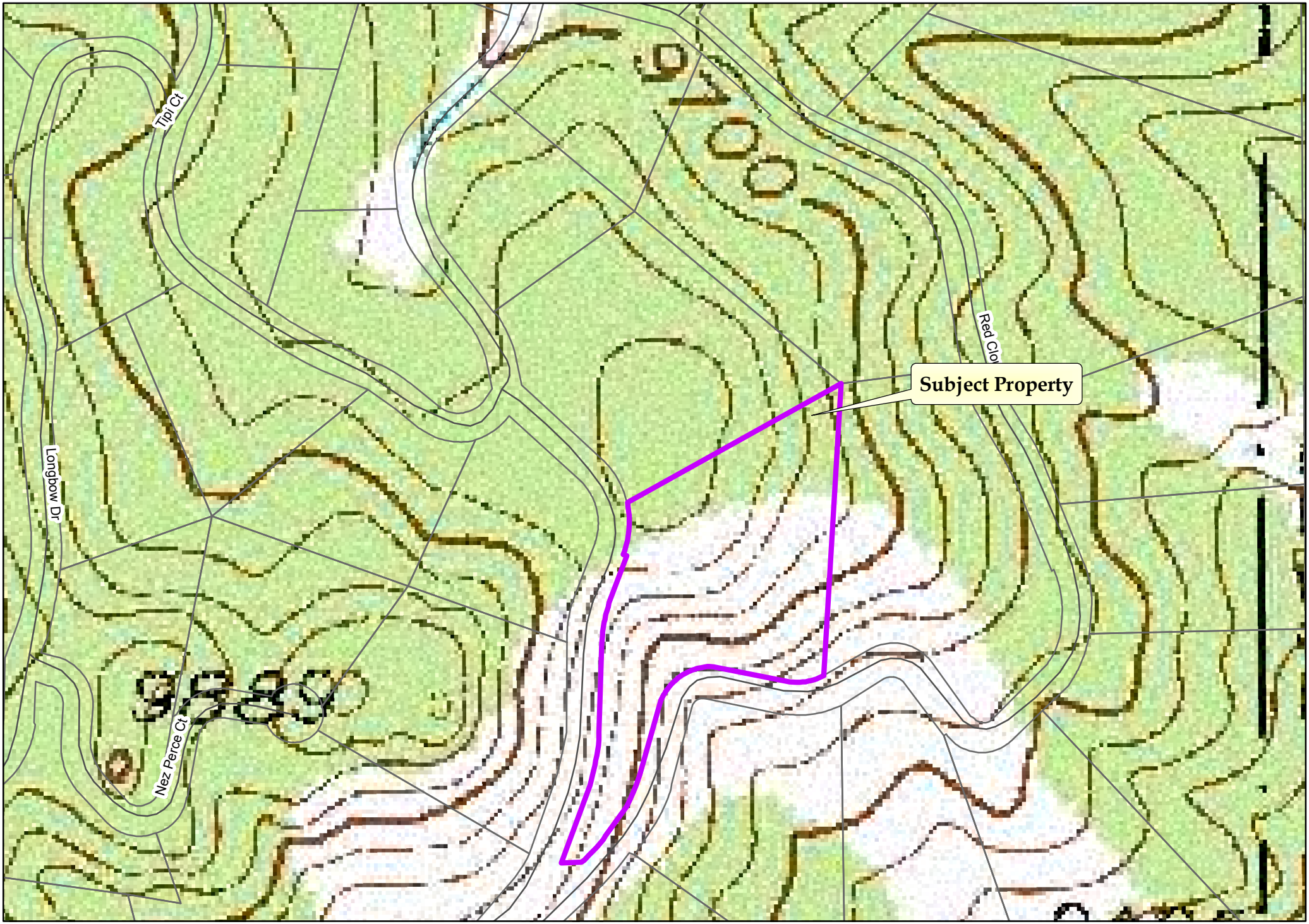


Date: 9/26/2016

Attachment 4: Aerial Map

1 in = 150 feet

Parcel data should not be considered survey quality. Park County will not be held liable for misuse or misinterpretation of this data. © Park County GIS 2014



Date: 9/26/2016

Attachment 5: Topo Map

1 in = 250 feet

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Assessor

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4258 • *Fax*: 719-836-4351 • *E-mail address*: jgannon@parkco.us

Referral Response

Comment Deadline Date: October 6, 2016 Submitted Date: September 26, 2016

Case #: 16SET-07 Case Name: Lowitzer Variance

Request: Applicant is requesting a 15 ft. variance from the normally required 30 ft. setback from a proposed garage to a side lot line.

Location/Legal Description: Property is Indian Mountain Lot 103 Filing 25 Unit 2 addressed as 144 Red Cloud Drive, Como.

Date of BOA Hearing: October 11, 2016

_____ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

_____

_____

✓ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

_____

_____

_____

_____

Signed: Arlene Samuels Date: 9/26/16

Title: Admin. Supervisor

Public Works

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4258 • *Fax*: 719-836-4351 • *E-mail address*: jgannon@parkco.us

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_____

_____

__X__ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

_____

_____

_____

_____

Signed: _____ Date: 9-27-16

Title: ROW Manager Park County Public Works

Brooks Kaufman
Lands and Rights of Way Director

October 3, 2016

Jennifer Gannon
Park County
Planning Department
P.O. Box 1598
Fairplay, Colorado 80440

Re: LOWITZER VARIANCE
Case No.: 16SET-07

Dear Ms Gannon:

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, and service requirements. We are advising you of the following concerns and comments:

The Association has existing overhead electric facilities on the subject property. The Association will maintain these existing utility easements and facilities unless otherwise requested by the applicant to modify them under the Association's current extension policies. The applicant didn't provide the location of the existing overhead electric facilities, therefore the Associations will require as condition for approval, provide a minimum fifteen (15') foot clearance to the proposed garage location and the existing overhead electrical facilities.

Sincerely,

Brooks Kaufman
Lands and Rights-of-Way Director

INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION
5496 N. U.S. Highway 85, P.O. Drawer A / Sedalia, Colorado 80135
Telephone (720)733-5493
bkaufman@irea.coop