

**PARK COUNTY APPLICATION FOR
VARIANCE
NON-REFUNDABLE APPLICATION FEE: \$700**

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.

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: Michael S. Carpenter-Miller

Mailing Address: 20 Meadow Dr.

City: Bailey State: CO Zip: 80421

Telephone

(work) 303-359-7228 (home) _____ (fax) _____

Owner's Name: Same as applicant

Mailing Address: _____

Telephone No.: _____

B. PROPERTY INFORMATION

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

Lot 89, Roland Valley - Unit 2 Part of the Northeast 1/4 of Sec. 14, T7S, R72W OF THE 11TH P.M., COUNTY OF PARK STATE OF COLORADO

Street Address of Property: 20 meadow Drive

Property's Total Acreage: 1.86

Current Zone District of Property: RESIDENTIAL

Proposed Zone District of Property: SAME

<p>For County Use Only Planning Department Confirmation of Current Zone District: District: <u>RESIDENTIAL</u> <u>JOHN DEGANIS</u> Print Full Name</p>
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Requirements for a Variance
Article III, Division 1, Section 3-100

C. APPLICATION REQUIREMENTS

1. Application Fee. An application fee in the amount of \$700 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.
2. Tax receipt-showing payment of current taxes. This can be obtained at the Park County Treasurer's office.
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.
4. A legal description of the property proposed for the Variance prepared by a licensed Colorado land surveyor. *(on DEED)*
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.
6. A vicinity map of where the proposed property is located within Park County.
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:
 - a. Name and address of the owner;
 - b. Date of preparation, map scale, and north arrow;
 - 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;
 - 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%);
 - e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas;
 - f. The dimensions, height and setbacks of all existing and proposed structures.
 - g. A clear illustration or description of the proposed variance, using shading, crosshatching, or highlighting, to accurately illustrate the proposal.
8. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).

For County Use Only: Initial Receipt of the Required Information
(1.) <u>JCD</u>
(2.) <u>JCD</u>
(3.) <u>JCD</u>
(4.) <u>JCD</u>
(5.) <u>JCD</u>
(6.) <u>JCD</u>
(7.) <u>JCD</u>
(7a.) <u>JCD</u>
(7b.) <u>JCD</u>
(7c.) <u>JCD</u>
(7d.) <u>n/a</u>
(7e.) <u>JCD</u>
(7f.) <u>JCD</u>
(7g.) <u>JCD</u>
(8.) <u>JCD</u>

For County Use Only: Initial Receipt of the Required Information
(9.) <u>N/A</u>
(10.) <u>JCW</u>
(11.) <u>JCW</u>
(12.) <u>N/A</u>

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.

D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verify and affirm that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: [Signature]
Print name: Michael S. Carpenter - Miller
If company, state Title/Position: _____

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

March 12th, 2021
Month Day Year

For County Use Only:
Verification of Date of Delivery and
County Receipt of Application
Date: MARCH 12th, 2021
Print Name: John Deagan

Payment of the Applicant Fee was made by:

<u>x</u>	Personal Check # <u>5676</u>	Amount \$ <u>700.00</u>
_____	Cash	Amount \$ _____
_____	Other _____	Amount \$ _____

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL BOARD OF ADJUSTMENT HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.



Park County Treasurer Tax Receipt

Account	Parcel Number	Receipt Date	Receipt Number
R0016901	16901	Feb 25, 2021	2021-02-25-Kathleen-105937

CARPENTER-MILLER MICHAEL S
 20 MEADOW DR
 BAILEY, CO 80421-2318

Situs Address
 20 MEADOW DR BAILEY 80421

Payor
 CoreLogic

Legal Description
 T07 R72 S14 NE4 ROLAND VALLEY UNIT 1 LOT 88 AND 89

Property Code		Actual	Assessed	Year	Area	Mill Levy
SINGLE FAMILY LAND	- 1112	51,010	3,650	2020	0005	63.552
SINGLE FAMILY IMP	- 1212	336,973	24,090	2020	0005	63.552

Payments Received

Direct Deposit
 Bank Account Alpine_Operating

Multi-Account Payment

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2020	Tax	\$1,762.94	\$0.00	\$881.47	\$881.47
				\$881.47	\$881.47
					Balance Due as of Feb 25, 2021
					\$881.47

Thank you for your payment.

Due by June 15th, 2021
Amount
341.21

SM SM

WARRANTY DEED

THIS DEED, Made this 10 day of September, 2018 between

Yamile Brito and Brian B. Nicholson

grantor, and

Michael S. Carpenter-Miller and Sarah M. Miller

whose legal address is 20 Meadow Drive, ,Bailey, CO 80421

grantees:

WITNESS, That the grantor, for and in consideration of the sum of **Four Hundred Fifteen Thousand Dollars and No/100's (\$415,000.00)**, 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 grantees, 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:

Lots 88 and 89, Roland Valley - Unit 1,
County of Park, State of Colorado.

Doc Fee
\$41.50

also known by street and number as 20 Meadow Drive, Bailey, CO 80421

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 grantees, 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 grantees, their heirs and assigns, that at the time of the ensembling 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 all taxes and assessments for the current year, a lien but not yet due or payable, and those specific Exceptions described by reference to recorded documents as reflected into the Title Documents accepted by Buyer in accordance with section 8.1 "Title Review", of the contract dated July 24, 2018, between the parties.

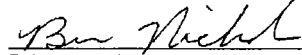
The grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

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.

SELLERS:

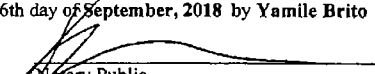

Yamile Brito


Brian B. Nicholson

STATE OF COLORADO
COUNTY OF Park

}ss:

The foregoing instrument was acknowledged before me this 6th day of September, 2018 by Yamile Brito


Notary Public
My Commission expires: 12-10-21

Witness my hand and official seal.

KRISTINE M WILLE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19974021965
MY COMMISSION EXPIRES DECEMBER 10, 2021

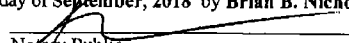


STATE OF COLORADO
COUNTY OF Park

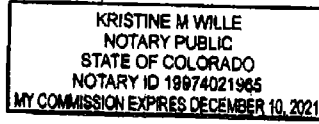
}ss:

The foregoing instrument was acknowledged before me this ^{6th kw} 10 day of September, 2018 by Brian B. Nicholson

Witness my hand and official seal.


Notary Public

My Commission expires: 12/10/21



Lot Owners Adjacent to Tax Parcel 16901, March 12th 2021

John Riggs
9 Hillside Dr
Lakewood, CO 80215

Dawn Zarubnický
1906 Roland Dr
Bailey, CO 80421

Gary Olson
1839 Roland Dr
Bailey, CO 80421

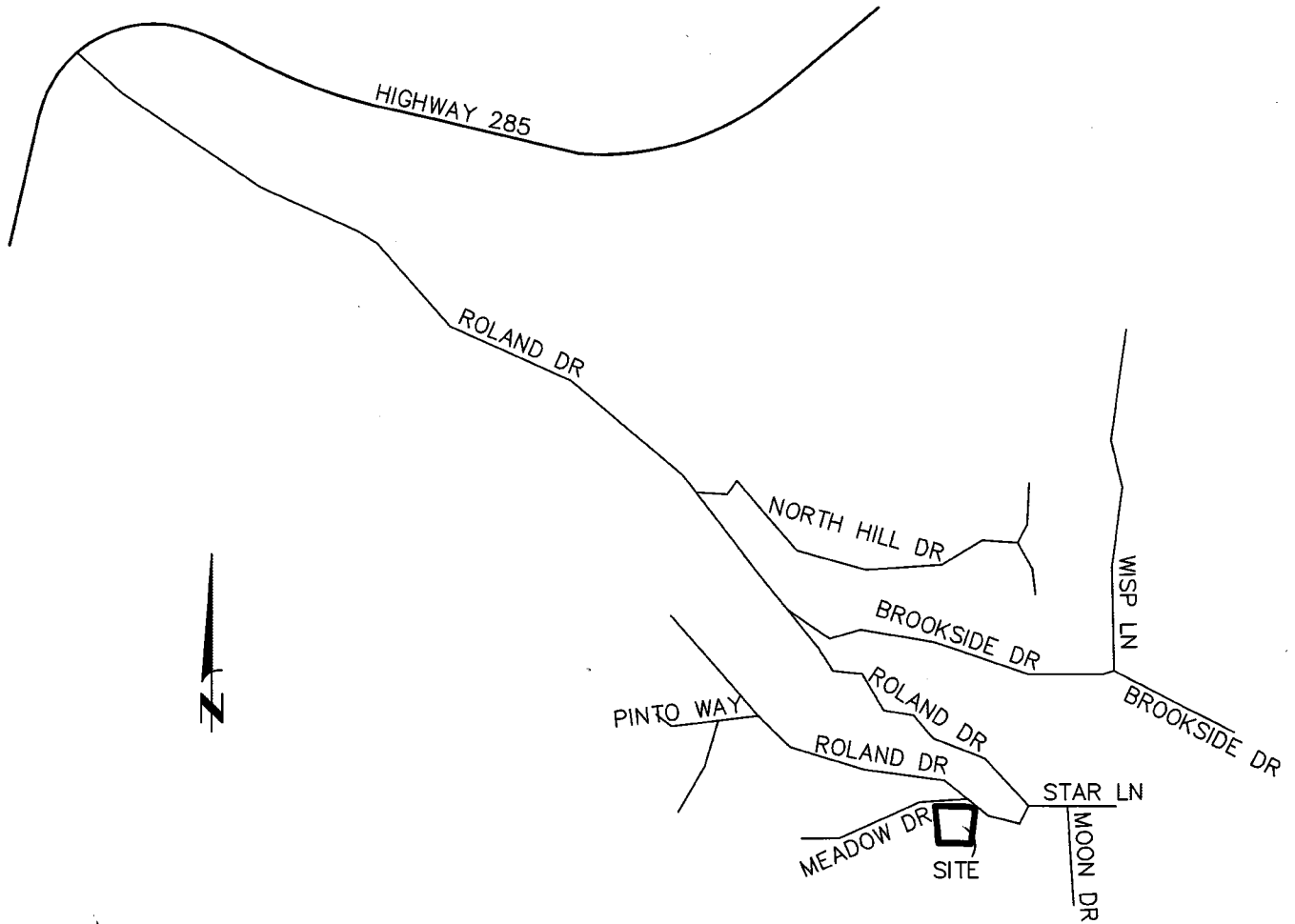
Allan Holloway
1791 Roland Dr
Bailey, CO 80421

Egle Peteris
1737 Roland Dr
Bailey, CO 80421

Jennifer Donohue Hulin
1758 Roland Dr
Bailey, CO 80421

Joseph Dudash
447 Kudu Tr
Bailey, CO 80421

VICINITY MAP



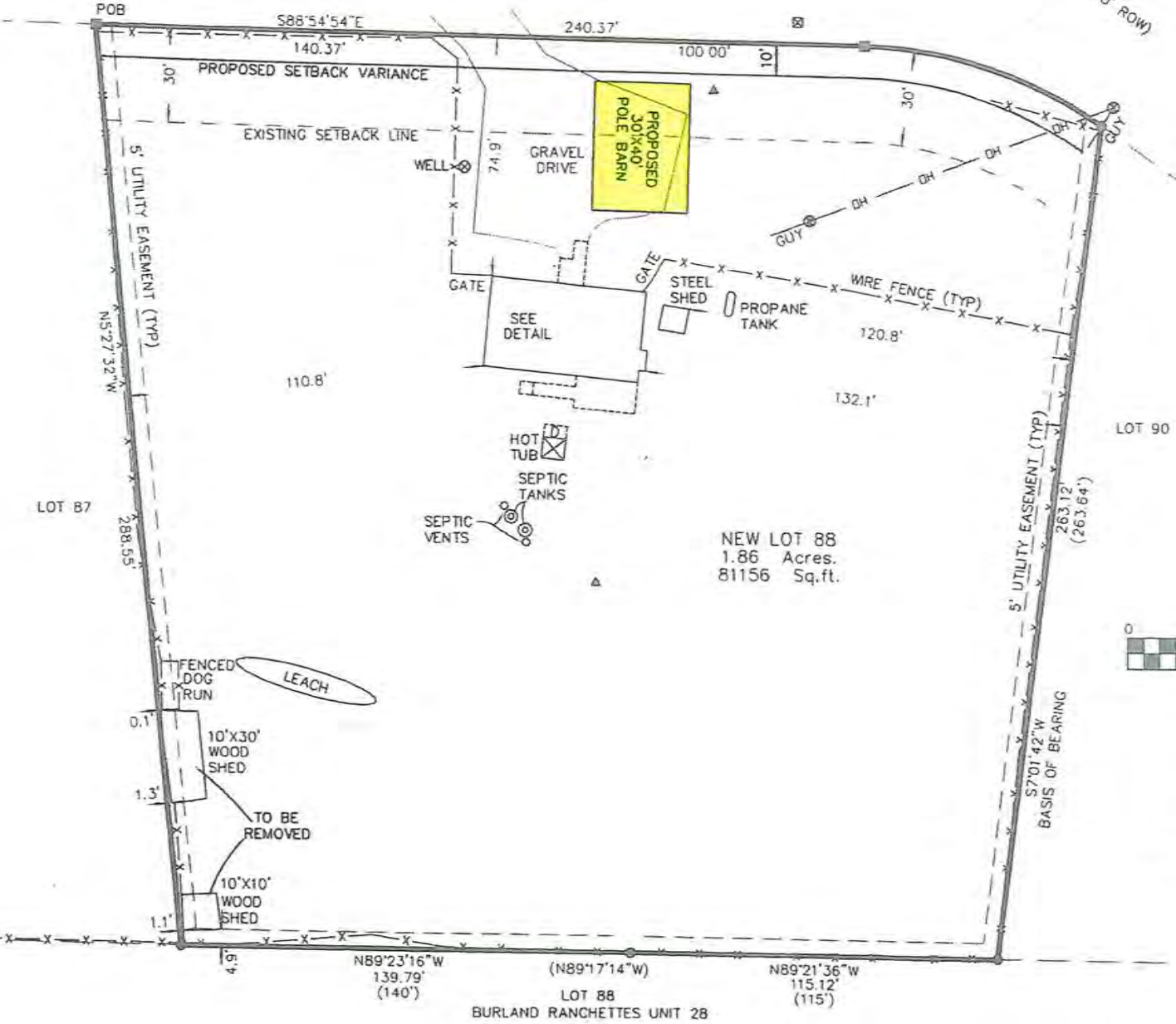
EVERGREEN SURVEYING, INC. 6949 HWY 73, SUITE MW-5 P.O. BOX 3514 EVERGREEN, CO 80439 303-674-3444 303-674-1318
DATE: 3-1-21
JOB#: B12673
NAME: VICINITY MAP

SITE PLAN

MICHAEL MILLER
 20 MEADOW DR
 BAILEY, CO 80421
 303-359-7228

MEADOW DRIVE (60' ROW)

ROLAND DRIVE (60' ROW)



NEW LOT 88
 1.86 Acres.
 81156 Sq.ft.



SCALE: 1" = 50'



EVERGREEN SURVEYING, INC. 6949 HWY 73, SUITE MW-5 P.O. BOX 3514 EVERGREEN, CO 80439 303-674-3444 303-674-1318	
DATE:	3-1-21
JOB#:	B12673
NAME:	SITE PLAN

LOT 88
 BURLAND RANCHETTES UNIT 28



20

Michael Shawn Carpenter-Miller

20 Meadow Drive

Bailey, CO 80421

303-359-7228

mksa4@yahoo.com

12th February 2021

Park County Planning Department

1246 CR 16

P.O. Box 1598

Fairplay, CO 80440

pcpd@parkco.us

RE: Variance Request
Lot 89, Rolland Valley
Unit-1

The following Variance request is for Lot 89, Rolland Valley - Unit 1 Part of the NorthEast ¼ of sec. 14, T7S, R72W OF THE 6TH P.M., COUNTY OF PARK STATE OF COLORADO. In response to Park County Land Use Regulations, Article III Section 3-100B I submit the following:

1. PRACTICAL DIFFICULTIES AND SELF-IMPOSED HARDSHIPS

Practical difficulties and self-imposed hardships for constructing a pole barn for the intended purpose of a garage on lot 89 are illustrated on a Site Plan (prepared by Evergreen Surveying Inc), building plans(Colorado Pole Barns LLC), the included photos and by the following outlined explanations. This is not a self imposed hardship and was not due to the original development of this property (the building of the main structure or any of the outbuildings on the property). It is the natural lay of the land for this area and has not been modified in any way, shape or form to affect this application. The Site Plan shows that the property is on average over 23% grade which demonstrates the practical difficulty for any future development. The additional costs for building on this property due to the steep grade would cause an undue economic hardship that would not be practical or reasonable. Because of the steep grade of the property it leaves only three options to build:

2. NON SELF IMPOSED HARDSHIP EVIDENCE

A: Bring in a minimum estimated 1,000 tons of dirt to backfill the downhill side of the grade up to level. This is not a cost effective solution or practical and would eliminate the possibility for the posts on the downhill side of the pole barn as they are required by code to be set in 36" of undisturbed soil. These posts would need to rise an additional 10' in the backfill before making grade and then another 10' for the construction of the pole barn. While preserving the original front setback of 30' moving the power pole and guy wire on the property would also be necessary because the roof of the pole barn in this location would be too close to the power line that feeds into the main

dwelling. This option would redirect the runoff water path directly toward the basement of the main dwelling which would require significant labor and cost to correct resulting in additional economic stress to the property owner.

B: Have an engineered 12' high concrete retaining wall constructed to shore up the downhill side of the proposed build site. This would still require a large amount of dirt to backfill the retaining wall, as well as the cost of the additional concrete. As in the above option this too, would require the moving of the power pole and guy wire on the property in order to adhere to the original 30' front setback. This still places the roof of said pole barn too close to the power line that feeds the main dwelling. The cost of this option would also cause economic hardship as well as unnecessary labor efforts.

C: Apply for a building variance totaling 20' of relief from the front Setback, such that the Front Setback will be 10' in lieu of the 30' Front Setback standard. This would allow the pole barn to be constructed on the space that has already been leveled out for the driveway in the front of the dwelling. Utilizing this space on the property is the most sensical in that it maximizes efficiency, while reduces environmental toll and happens to be the most cost effective way to construct a pole barn for the intended purpose of a garage while minimizing any practical difficulties and economic hardships for the property owner.

Let it also be noted that if the variance is granted, upon completion of the pole barn, the demolition of two outbuildings in disrepair located in the SouthWest corner of the Lot will be conducted. This action would improve the overall aesthetic of the property.

3. NO SUBSTANTIAL DETRIMENT TO NEIGHBOR OR THE PUBLIC

Granting of the above requested Variance in no way causes substantial detriment to any of the adjacent neighboring properties, or the public. The building would still be 40' setback from the centerline, 25' from the edge of Meadow Drive and 10' inside the front setback. The building would be even further from Roland Drive, as this is where the two roads split, and Roland Drive changes from pavement to dirt on the Northside of Meadow Drive. This variance will not impede on the utility or snow easements further demonstrating that it would not be a detriment to the public.

The two neighboring properties to the North will not be affected in any way as they are on the North side of Roland and Meadow Drive is on higher ground. Due to the slope of the ground and the 20' variance to the front setback it would only allow them to see a small portion of the roof once constructed and will not be any higher than the roof of the main dwelling. The one neighboring property to the East is also on higher ground and there are many trees between the two dwellings that obstruct the building site from their view and would not cause them any detriment. The vacant property to the West side will not be affected as there are a substantial amount of trees on both properties blocking the view of where the building will be constructed. Not to mention due to the natural lay of the land the West property would not be affected in any way if it is built on in the future. The property directly to the South is over 200' downhill from the proposed building site and has many trees blocking their view which would have no negative impacts to this property in any

fashion. The view from neighboring properties to the South and West would be enhanced upon the completion of the build due to the two outbuildings being removed from the lower portion of the property that borders the fence lines next to these properties.

4. NO SUBSTANTIAL IMPAIRMENT OR DEFEAT TO THE REGULATION BEING VARIED

Although a variance is being requested to modify a single Park County Design Standard, there is to be no substantial impairment or defeat to the regulation being varied. Proper care and consideration have been given to preserve the existing Utility and Snow Easements.

The 10' Utility and Snow Easement from the front will be preserved. Please refer to the Site Plan (prepared by Evergreen Surveying Inc), the building plans (prepared by South Valley Engineering) and built by (Colorado Pole Barns LLC), for graphic representations.

Thank you for your time and consideration,

Prepared by

Michael Shawn Carpenter-Miller
Property Owner
20 Meadow Drive
Bailey CO 80421
303-359-7228
mska4@yahoo.com