

Variance Application

TOWN OF OAK CREEK

P.O. Box 128 • Oak Creek, Colorado 80467 • (970) 736-2422

Petitioner's/Representative's Name: STEPHEN A. ROBERTS

Signature of Petitioner/Representative: *Stephen A. Roberts*

Petitioner's/Representative's E-Mail Address: sbaggins@aol.com

Petitioner's/Representative's Mailing Address: PO. Box 803 OAK CREEK CO. 80467

Telephone: 941-228-8362 Fax: N/A

Petition Request: FOR VARIANCE AS DESCRIBED IN NARRATIVE

Physical Address: 404 Bell Ave. OAK CREEK CO 80467

Lots 1, 2, + 6 Bk 4 3rd Add to OAK CREEK

Legal Description: Lot 3 Bk 4 3rd add to OAK CREEK

Lots 1, 2 + 6 Parcel # 100904001

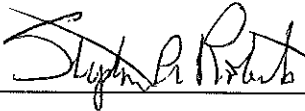
Assessor's Parcel Identification No.: Lot 3 Parcel # 100904003

Provide the following additional information:

- ☒ Written narrative (see attached page 3 for information on Section 17.09.06, Land Use Code – please provide information on your request with regard to the appropriate section(s) of this section of the Land Use Code.)
- ☒ Legal Description
- ☒ Physical Address
- ☒ Vicinity Map
- ☒ Site Map: Illustrating all structures and property lines to scale, both existing and proposed; abutting land owners and land uses, streets, highways, utilities that service the area and major physical features
- ☐ Building Plans including elevations TO BE SUBMITTED BY THORNE CLARK ARCHITECT
- ☐ Filing Fee \$ _____ (Base fee is designed to cover the minimum staff hours has to process the application. Additional hours on the project will be assessed at \$ _____ per hour.)
- ☒ The application fee must be paid in full to begin the application.
- ☒ Proof of ownership, lease/deed and/or statement of authority or other documentation regarding the use of the property.
- ☐ Other _____

PAID

The Applicant, by his/her signature below, agrees that he/she understands that he/she will personally appear in front of the Oak Creek Town Board in their capacity as the Board of Adjustment as such may be applicable on the ____ day of _____, 20__ for consideration of this application. The Applicant understands that the Oak Creek Town Board/Board of Adjustment may only consider the application within the criteria of Section 17.09.06 of the Oak Creek Land Use Code.

Signature of Applicant/Applicant's Representative:  Date: 5-20-22

Signature of Town Administrator/Clerk: _____

Application Received: _____ Date: _____

Application Deemed Complete: _____ Date: _____

Narrative to explain variance[s] requested.

I own 4 lots on the corner of Bell Ave and Williams St. in Oak Creek. 3 lots are parallel to each other and border Bell Ave. The 4th lot sits perpendicular to the other 3 lots and is separated from them by an alley owned by the Town of Oak Creek. Lots 1,2,6, make up Parcel #100904001. Lot 3 is Parcel #100904003.

As shown on the existing site map, Lot 3 has a small house located on it that's in very poor condition. The house and property are non-conforming per town codes due to deficient setbacks of the house on the south side and the Bell Ave side of the property. This condition has existed for quite some time. I purchased the whole of this property w/ the idea that I would repair/remodel the house "as is" and have it become my residence. I also thought there would be an opportunity to build a new house on the other 2 lots,[each being 25' X 85' in dimension] which I knew was needed by town code to do so. After purchasing the property in Sept. of 2021, I began planning, to what extent and how, the house could be repaired. After careful consideration, and the advice of nearly everyone, I decided to demolish the rear portion of the existing structure, while leaving the front portion intact and completely rebuilding the rear portion inclusive of a concrete foundation/basement/garage. The rear portion would effectively be new. If the existing house had been renovated "as is" the house would be approx.. 464 sq. ft. While acquiescing to a more expensive renovation I thought to increase the living space to 713 sq. ft. I moved forward with this plan to the point of [almost] submitting this plan to the Oak Creek Planning Committee and, at the last minute, that an existing non-conforming property, by State law, could not be expanded on. It seemed that my dreams had come to an end!

However – not to be deterred!

I favor another option that when presented to the Planning Commission and The Oak Creek Town Council, hope it to be seen as a "win-win" situation for myself and the Town of Oak Creek. I believe it can be, but, will require at least 2 variances be granted for this plan to be successful.

Simply put, I'm seeking the 1st variance that would allow 11' of land from Parcel #100904001 [also known as Lots 1,2, 6,] to be deeded to Parcel #100904003 [also known as Lot 3] while allowing me to reestablish the original non-conforming house and move it toward conformance on the newly adjusted Lot 3. The house

would now have 8' setbacks on both sides and the required 15' setback from Bell Ave. The 2nd variance would be to allow a new single-family home to be built [at some point in time in the near future] on the adjusted Lot 1,2,6. Lot 1,2,6 would have new dimensions of 39' wide by 85' deep. The attached Proposed Site Map 1 helps explain the first plan considered and the attached Proposed Site Plan 2 explains the new option.

I'm happy to answer any additional questions.

Thank you for any favorable consideration.

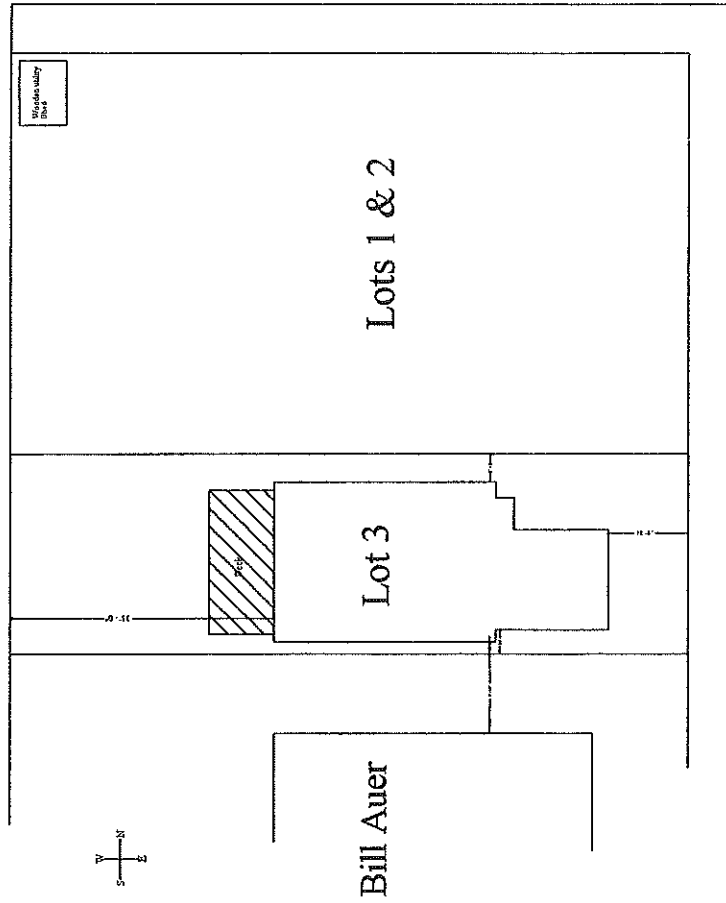


Proposed Site Map 1

Lot 6

Power Pole

Alley - Town of Oak Creek



Williams St.

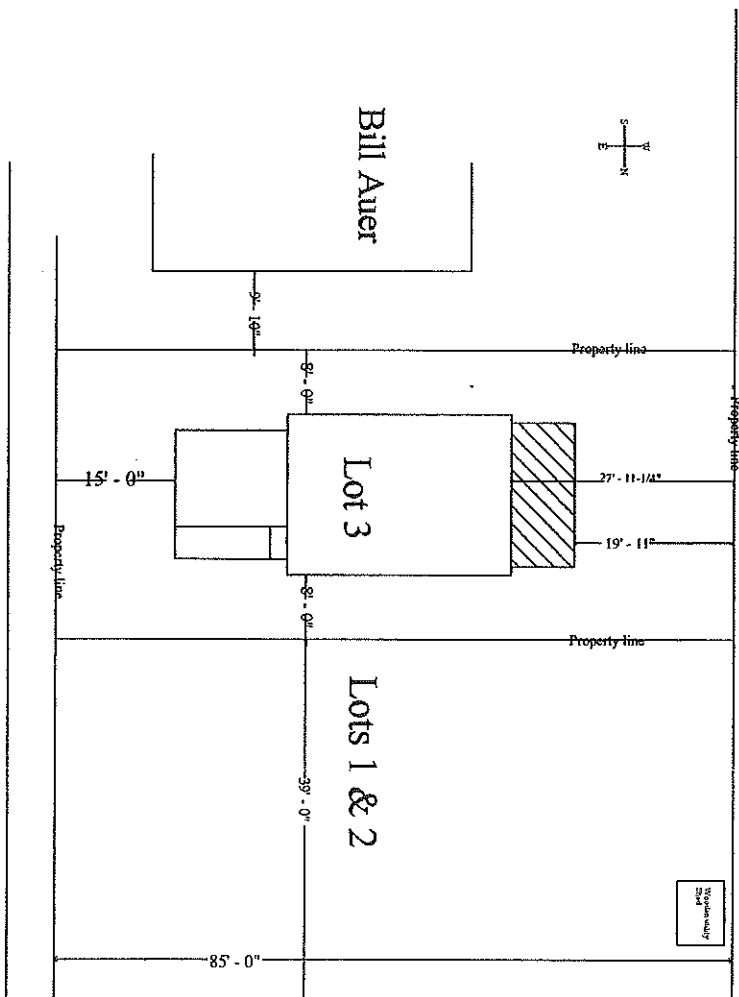
Bell Ave.

Proposed Site Map 2

Lot 6

Power Pole

Alley - Town of Oak Creek



Williams St.

Bell Ave.

(Pursuant to C.R.S. 38.113.1(a))

STEPHEN A. ROBERTS, whose address is 11842 Colvar Lane, Parrish, Manatee County, Florida 34219, for the consideration of One (\$1.00) Dollar, in hand paid, hereby sells and conveys to Bell Lot 126, LLC, a Colorado limited liability company, whose street address is 1942 Broadway Street, Ste 314C, c/o Registered Agents Inc., Boulder, Boulder County, Colorado 80302, the following real property in the County of Routt and State of Colorado, to wit:

LOTS 1,2 and 6, BLOCK 4, THIRD ADDITION TO OAK CREEK, COUNTY OF ROUTT,
STATE OF COLORADO.

Also known as Parcel No.100904001, Tax Area 50OC - *RE3* Town of Oak Creek (Oak Creek Proper)

With all its appurtenances and warrants the title to the same subject to Statutory Exceptions.

Signed this day of 12-2-21, 2021.

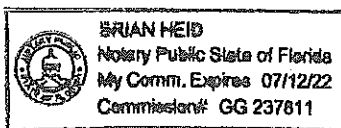
STEPHEN A. ROBERTS

STATE OF FLORIDA }
 } ss.
 MANatee COUNTY }

The foregoing instrument was acknowledged before me on December 2, 2021 by
STEPHEN A. ROBERTS.

Witness my hand and official seal

My Commission expires: 07/12/2022 12
Notary Public



When recorded return to: ARTHUR D WARADY, 17111 BISCAYNE BLVD, UNIT 305, NORTH MIAMI
BEACH, FL 33160

WARRANTY DEED
(Pursuant to C.R.S. 38.113.1(a))

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LOT 3, BLOCK 4, THIRD ADDITION TO OAK CREEK, COUNTY OF ROUTT, STATE OF COLORADO.

Also known as Parcel No.100904003, Tax Area 50OC - *RE3* Town of Oak Creek (Oak Creek Proper)

With all its appurtenances and warrants the title to the same subject to Statutory Exceptions.

Signed this day of Dec, 2,, 2021.

STEPHEN A. ROBERTS

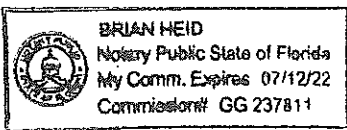
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BEACH, FL 33160

Order Type: eRecording

Document Type: Warranty Deed

Document Status: Recorded and Verified Document

Reception Number: 832738

Book:

Page:

Recorded Date: 12/13/2021 08:06:05 AM

Recording Fees: \$13.00

Number of Doc Pages: 1

Consideration Amt.: \$0.00

Party Information

Grantor:

ROBERTS STEPHEN A

Grantee:

BELL LOT 3 LLC

Address / Legal Description

3RD ADD TO OC LOT:3 BLK:4 UNIT: BLDG: PCL: MISC:

Notes / Remarks

Notes: REFER TO DOCUMENT

Remarks:

Associated Documents From:

No associated documents.

Documents Associated To:

No associated documents.

Order Type: eRecording
Document Type: Warranty Deed
Document Status: Recorded and Verified Document
Reception Number: 832737
Book:
Page:
Recorded Date: 12/13/2021 08:06:04 AM
Recording Fees: \$13.00
Number of Doc Pages: 1
Consideration Amt.: \$0.00

Name Information

Grantor:
ROBERTS STEPHEN A

Grantee:
BELL LOT 126 LLC

Address / Legal Description

3RD ADD TO OC LOT:1,2,6 BLK:4 UNIT: BLDG: PCL: MISC:

Notes / Remarks

Notes: REFER TO DOCUMENT
Remarks:

Associated Documents From:
No associated documents.

Documents Associated To:
No associated documents.

Oak Creek Deeds

Division:
[edit name](#)☐ Mark package as completedRoutt County, CORecorded
Jurisdiction Fees:
\$26.00
County Batch ID:
2143544[Go to document:](#)[Download Package](#)Created: Arthur Warady 12/11/2021 02:09 PM | Last Modified: Arthur Warady
12/11/2021 02:15 PM

<input type="checkbox"/>	NAME NUMBER	DOCUMENT TYPE	COUNTY RECORDED DATE	STATUS	RECORDATION INFO	PAGES	JURISDICTION FEES
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<input type="checkbox"/>	Deed to Lot 3	Deed	12/13/2021 8:06 AM	Recorded	E832738 B P	1	\$13.00

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**OPERATING AGREEMENT
OF
BELL LOT 126, LLC
a Colorado limited liability Company**

This OPERATING AGREEMENT (the “Agreement”) of **BELL LOT 126, LLC** (the “Company”, “Lot126”, or a “Party”), a Colorado limited liability company, is made and entered into as of November 17, 2021, between and among JOHN B NYE, an individual resident of Tierra Verde, Florida (herein sometimes called “John B”, a “Member”, or a “Party”, STEPHEN A ROBERTS, an individual resident of Parrish, Florida (herein sometimes called “Steve”, a “Member”, or a “Party”), and BELL LOT 126, LLC (herein sometimes called “Lot126”, the “Company”, or a “Party”. John B and Steve are herein sometimes together called the “Members”. The Company and the Members are herein sometimes together called the “Parties”.

Background. The Members caused to be formed a Colorado limited liability company, BELL LOT 126, LLC, to own real estate and develop real estate in Colorado, and for any other lawful purpose for which limited liability companies may be formed under the Colorado Limited Liability Company Act. The Articles of Organization were filed with and the Secretary of State of Colorado on November 17, 2021.

NOW THEREFORE, intending to be legally bound hereby, the Parties agree as follows:

1. **Definitions.** Unless the context or the Act otherwise requires, the capitalized terms defined in this section 1, for purposes of this Agreement shall have the meanings specified below in this section 1.

(a) “Act” means the Colorado Limited Liability Act (CO Rev Stat 7-80-101).

(b) “Affiliate” means, with respect to any legal entity (1) any legal entity directly or indirectly controlling, controlled by, or under common control with such legal entity, or (2) any officer, director, general partner, member, manager or trustee of such legal entity. For purposes of this definition, the terms “controlling,” “controlled by,” or “under common control with” shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a legal entity, whether through the ownership of voting securities, by contract or otherwise, or the power to elect at least 50% of the directors, managers, general partners, or persons exercising similar authority with respect to such legal entity.

(c) “Agreement” means this Operating Agreement, as amended, modified, supplemented, or restated from time to time.

(d) “Articles” means the Articles of Organization of the Company filed with the Wyoming Secretary of State, and any amendments thereto, and restatements thereof filed with the Wyoming Secretary of State.

INTENDING TO BE LEGALLY BOUND, the undersigned individuals have signed this Consent, and the Manager has caused this Consent to be on its behalf by a duly authorized individual, effective as of the latest date written below.

Arthur D Warady Dec 21, 2021
date _____
Arthur D Warady, Organizer

Stephen A. Roberts Dec 15, 2021
Stephen A. Roberts (Dec 15, 2021 09:09 EST) date _____
Stephen A Roberts

J. B. Nye Dec 15, 2021
John nye (Dec 15, 2021 16:47 EST) date _____
John B Nye, Member

J. Randall Nye Dec 15, 2021
J. Randall Nye (Dec 15, 2021 07:06 EST) date _____
BAUTEILE FINANZIELL CO-OP, Manager
By J Randall Nye, President

**OPERATING AGREEMENT
OF
BELL LOT 3, LLC
a Colorado limited liability Company**

This OPERATING AGREEMENT (the "Agreement") of **BELL LOT 3, LLC** (the "Company", "Lot3", or a "Party"), a Colorado limited liability company, is made and entered into as of November 17, 2021, between and among **JOHN B NYE**, an individual resident of Tierra Verde, Florida (herein sometimes called "John B", a "Member", or a "Party", **STEPHEN A ROBERTS**, an individual resident of Parrish, Florida (herein sometimes called "Steve", a "Member", or a "Party"), and **BELL LOT 3, LLC** (herein sometimes called "Lot 3", the "Company", or a "Party". John B and Steve are herein sometimes together called the "Members". The Company and the Members are herein sometimes together called the "Parties".

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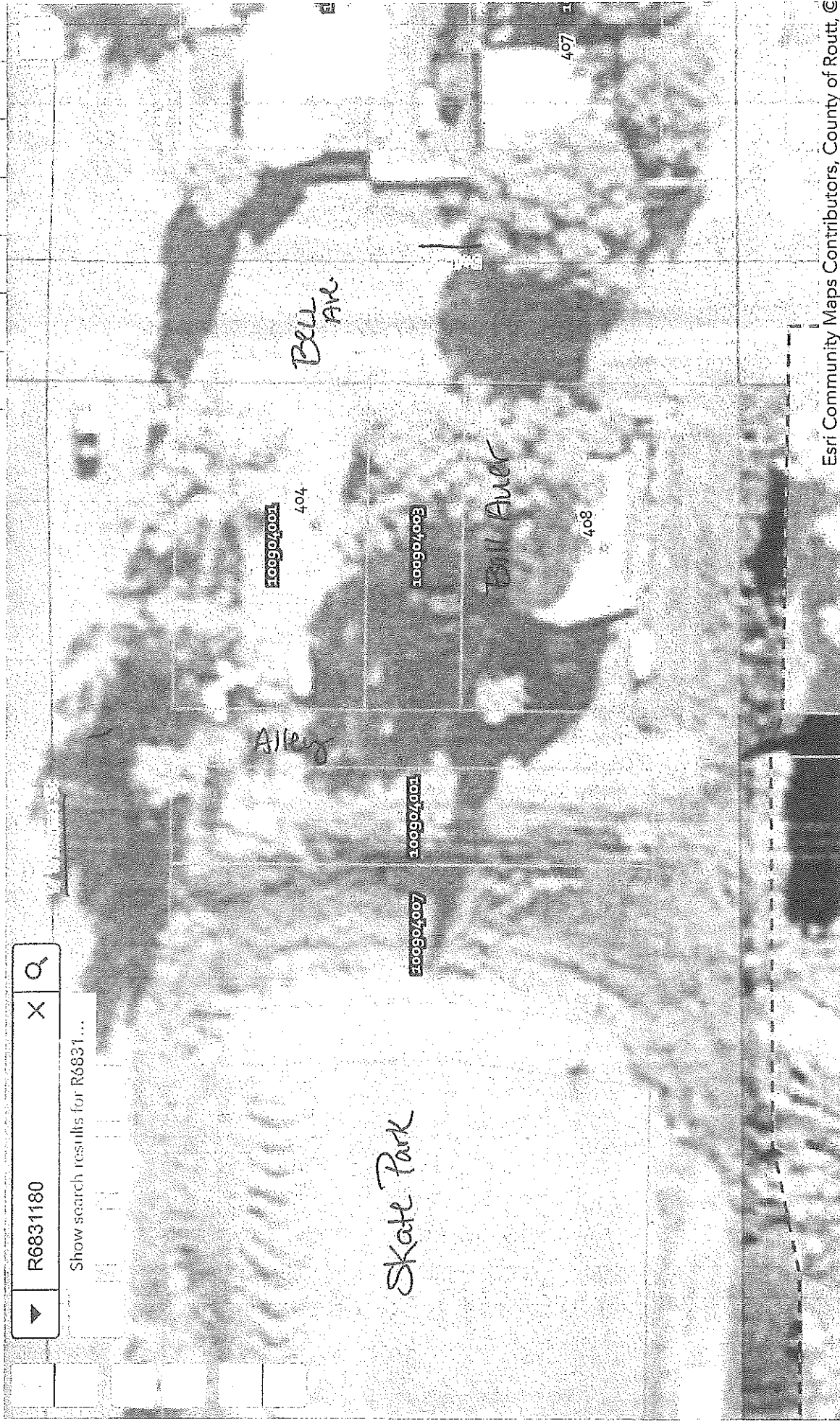
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By J Randall Nye, President

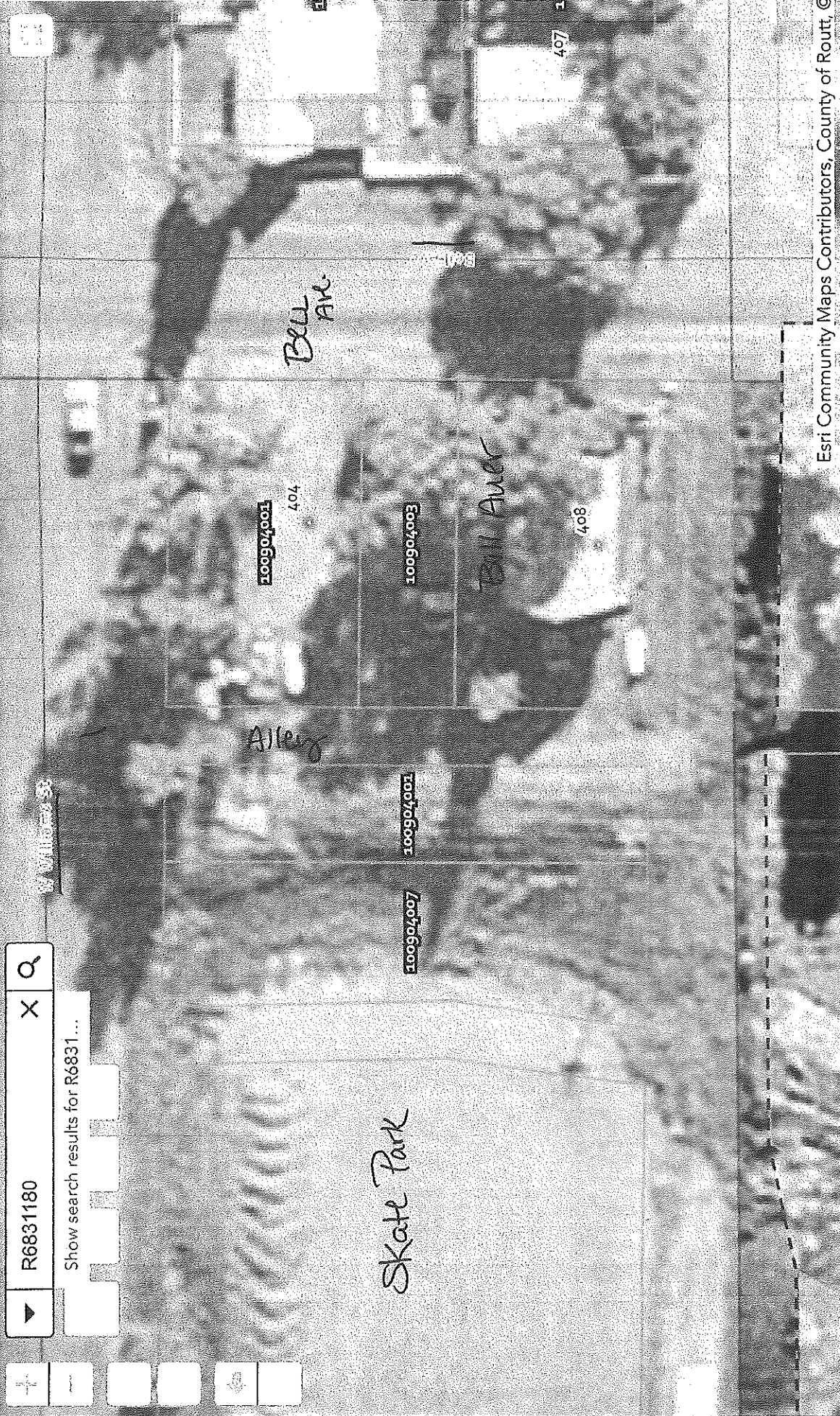


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