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317 Galena St., Unit F  
Frisco, CO 80301

February 1, 2020

Frisco Community Development Department  
Town of Frisco  
PO Box 4100  
Frisco, CO 80301

RE: Planning File No. 260-19-VAR (Miller Waterside Setback variance)

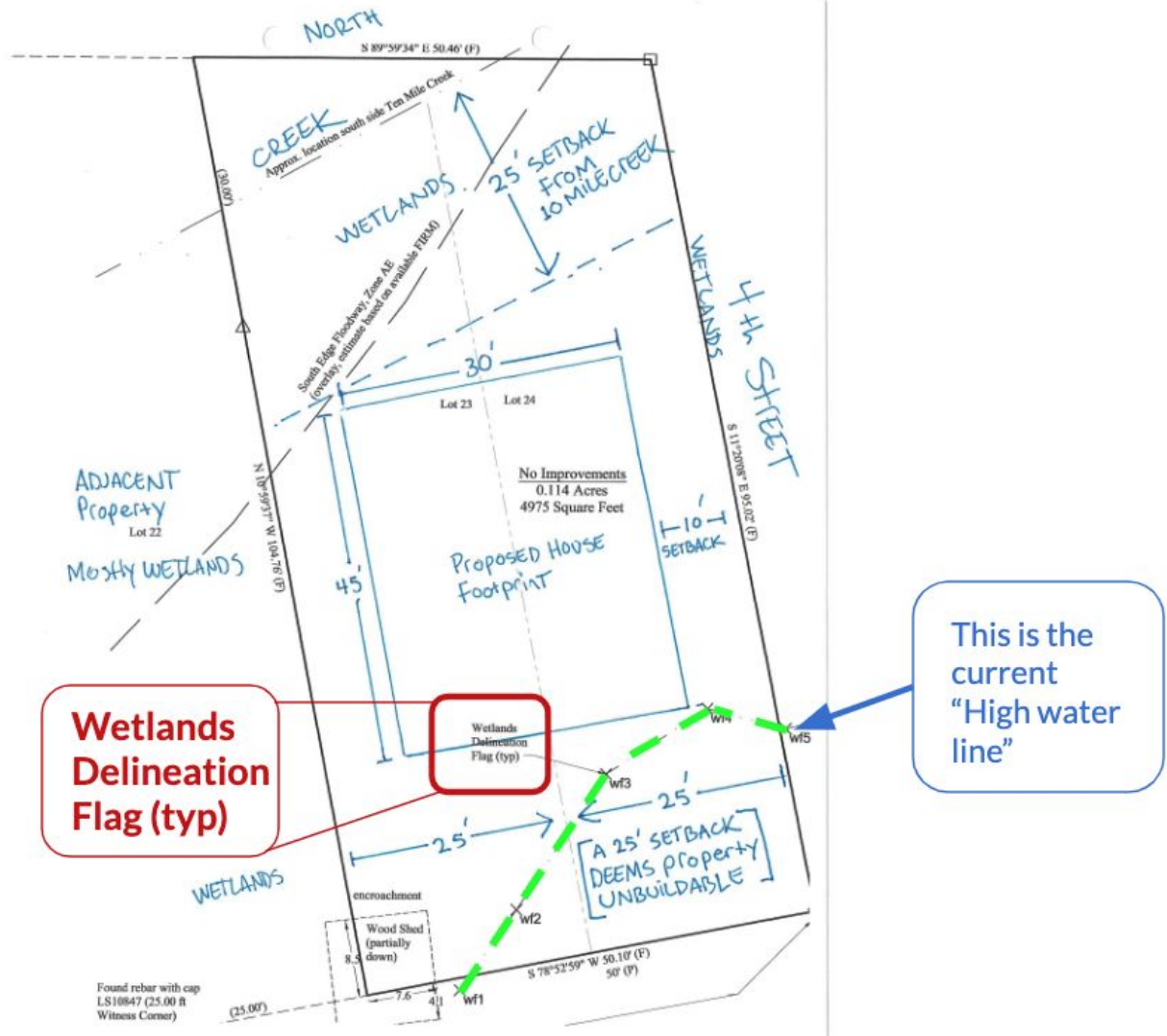
To Whom it may concern:

We own and live at Lot F Windstream Townhomes in Frisco. Our property is directly to the south of Lots 23-24, Block D, Frisco Townsite, for which a wetland setback variance has been requested.

While the proposed owners of the subject property have received approval from the US Army Corps of Engineers for a wetland disturbance, there is no indication of a change in the wetland designation of the property by the US Army Corps of Engineers in their letter of approval.

The Frisco Unified Development code states “Soil disturbance is prohibited within 25 feet of all lakes, perennial streams, intermittent streams, wetlands, and from all swales draining 20 acres or more measured horizontally from the **high water line** as determined by Community Development Department staff.”

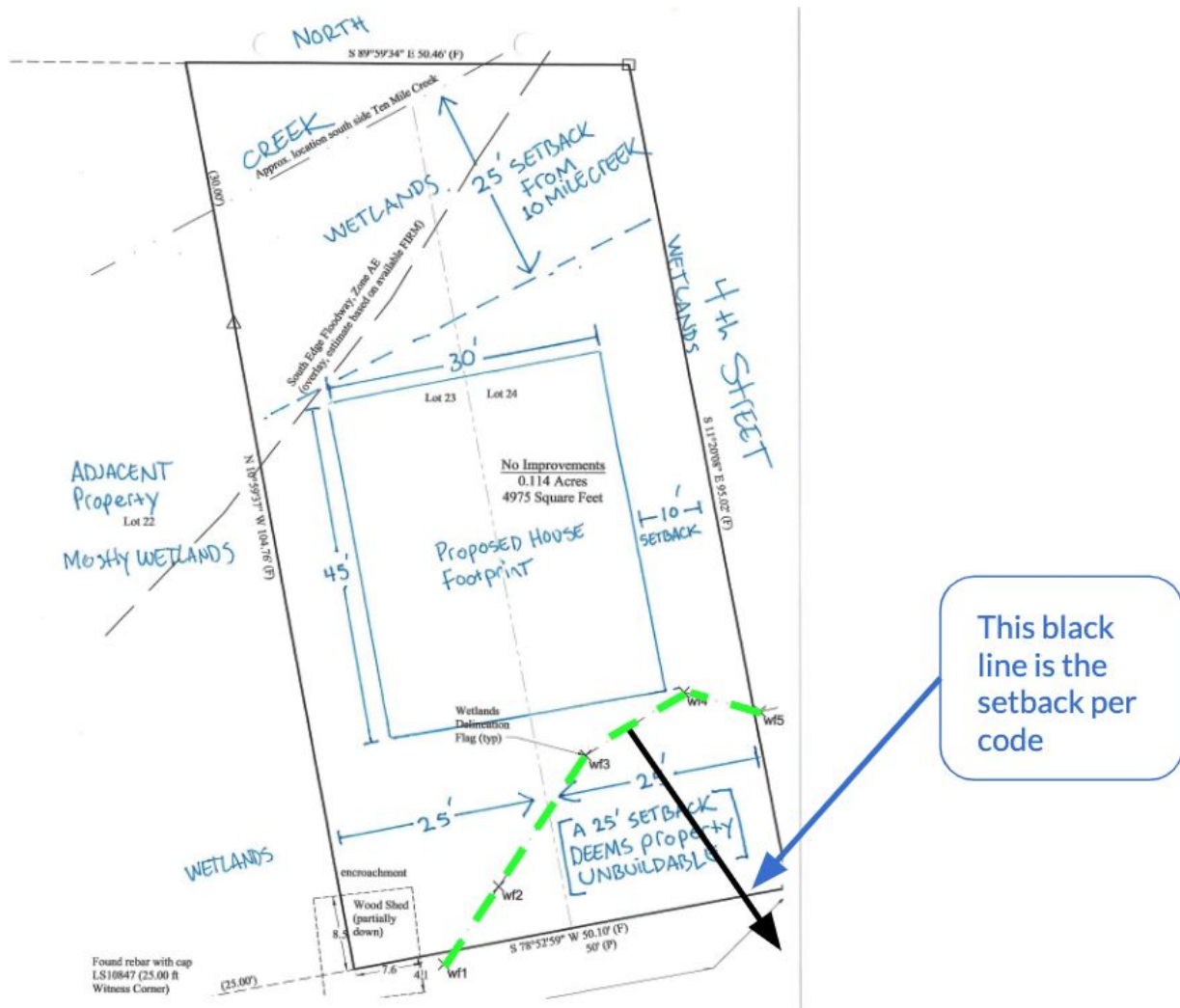
The planning commission should consider the current high water line, current wetland status and current property boundaries instead of potential owners' altered representation of the lot. To help better understand, one must consider the information contained in the map submitted with the proposal. Shown below is a map which emphasizes a small point the proposed owners want everyone to ignore (the red callout). The heavy green dashed line indicates the actual “high water line.”



In addition, here is a picture from late June of 2019 taken from the bottom of the map above, confirming that “high water line.”

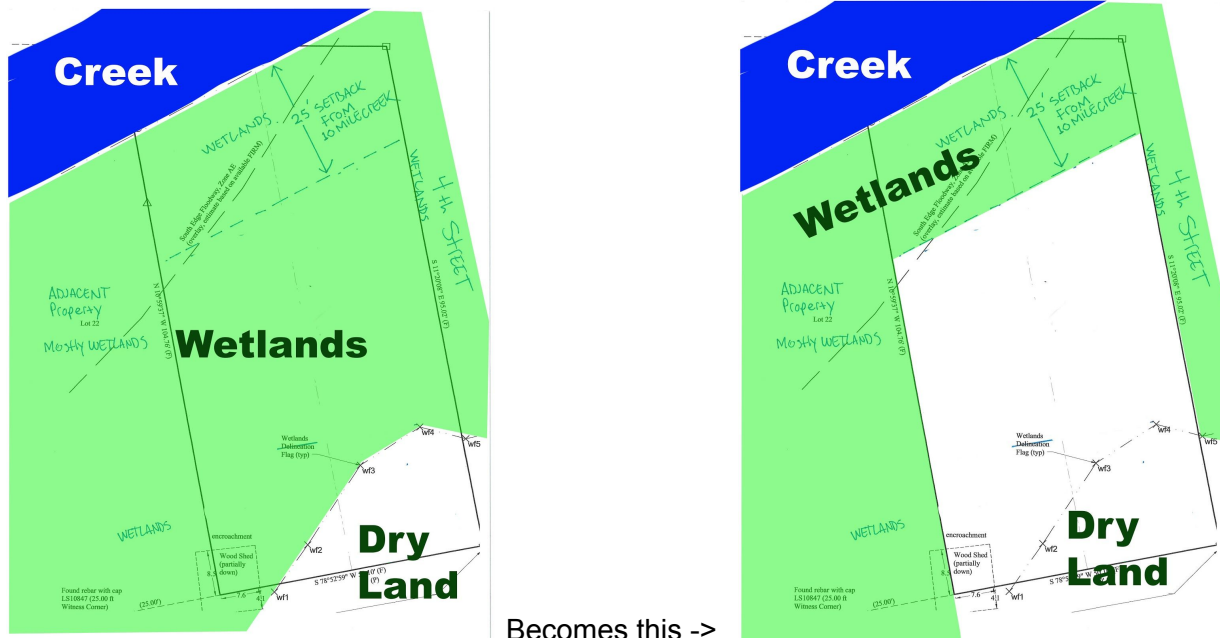


Based on the town code and the real "high water line," the following diagram shows where the setback should be.



The potential owners, are proposing to essentially destroy the wetland, to get around the original Frisco setback requirements as shown above.

In their view of the world, this

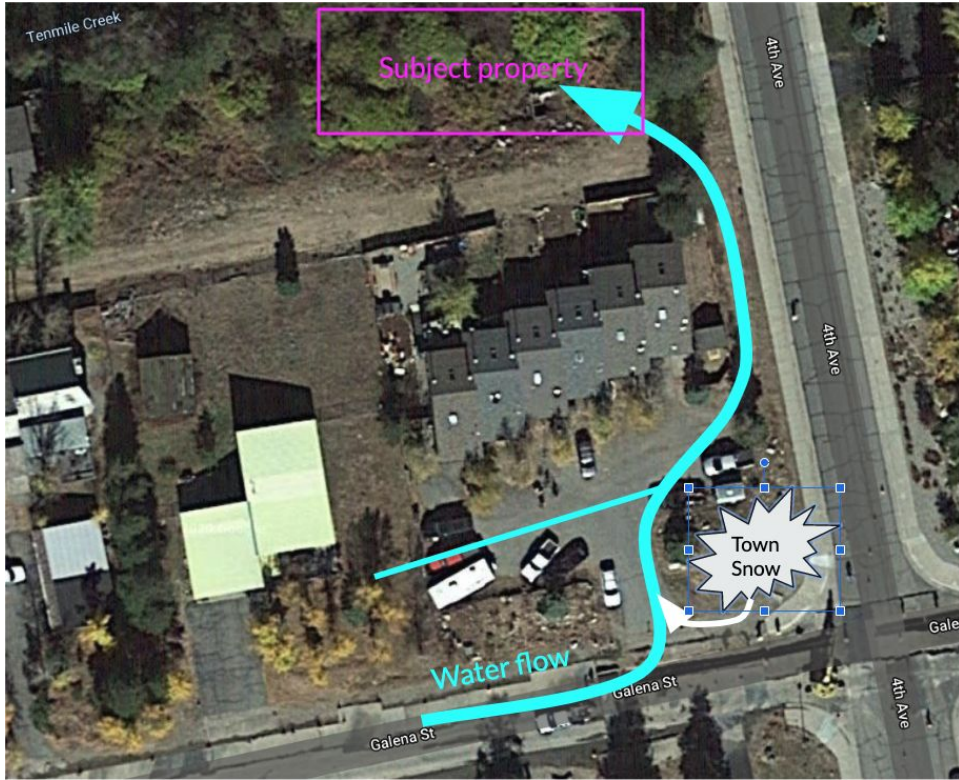


But they still don't have enough room to work within the current code and need a variance.

Given their proposed destruction of the wetland, they are asking for a variance of the Frisco code, from what is left of the wetland on adjacent properties.

The potential owners are asking for a variance of the wetland setback from 25 ft to 10 ft, but it appears they are also proposing it to be a different kind of setback. Once again we go to the town code one wetland setbacks and modify it for the 10 ft setback. "Soil disturbance is prohibited within **25 10** feet of Wetlands." How does one build a house without disturbing the any inch around it? Impossible, therefore one must conclude they are asking for some other kind of setback. What kind of a setback?

Importantly, in addition, the destruction of the wetland (with fill dirt) will affect other properties in the area. Surface water from all 6 units at 317 Galena St. and surface water from all of Galena Street flows through the parking lot at 317 Galena St across the 3rd Ave Alley and into the subject property. By blocking this flow of water, all 6 properties at 317 Galena St. and Galena street itself will be affected. Please see the sketch below.



The town of Frisco should not approve this variance. This lot is unbuildable and has been managed that way and the previous owner. The previous owner has also made the argument for and been taxed on an unbuildable lot for a long time.

Sincerely,  
Edward Balduf