

AGENDA ITEM 14 PLANNING & DEVELOPMENT SERVICE PLANNING DIVISON

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 728-1392

TO: Mountain Village Town Council

FROM: Claire Perez – Planner II

FOR: Town Council Public Hearing; June 20, 2024

DATE: June 4, 2024

RE: Staff Memo – Consideration of a Resolution Approving a Height Variance

Pursuant to CDC Section 17.4.16

APPLICATION OVERVIEW: Height Variance for a New Single-Family Residence on Lot 165 Unit 2

Legal Description: UNIT 2 CORTINA LAND CONDOMINIUMS ACC TO THE MAP OF THE CORTINA LAND CONDOMINIUMS A COLORADO COMMON INTEREST

COMMUNITY LOT 165 TOWN OF MOUNTAIN VILLAGE REC NOV 30 2004 PL 1 PG 3400 THRU 3401 AND ALSO ACC TO THE DECLARATION REC NOV 30 2004 AT REC NUM 370697

Address: TBD Cortina Drive

Applicant/Agent: Brendan Hamlet, KA Design Works

Owner: Chalets at Cortina 2, LLC

Zoning: Multi-Family **Existing Use:** Vacant

Proposed Use: Single-Family Detached Condominium

Lot Size: 12, 244 Sf, .2810 Acres

Adjacent Land Uses:

North: Multi-Family
East: Single-Family
West: Multi-Family
South: Multi-Family



Figure 1: Vicinity Map

ATTACHMENTS

Exhibit A: Architectural Plan Set Exhibit B: Staff/Public Comments

<u>Case Summary</u>: Brendan Hamlet of KA Design Works is requesting a Height Variance to develop a new single-family detached condominium on Lot 165 Unit 2, TBD Cortina Drive.

The site is burdened by steep slopes, with a majority of the site having a grade of over 30%. The proposed structure is a single-family detached condominium located in the multi-family zone district. While the structure reads as a single story from Cortina Drive, it is a two-story building that steps down the site towards San Joaquin Road. Due to the slope of the site and the setback requirements, the applicant is requesting a maximum height variance, which is described in detail below.

The proposed structure is 5,017 gross square feet, and utilizes a mixture of wood, stone, and metal siding for the exterior materials. The proposed structure includes two interior parking spaces.

The DRB reviewed an initial application at the June 6, 2024, Regular DRB Meeting, and has recommended approval of the variance request. The DRB also voted to approve the Initial Architecture and Site Review (IASR) at that meeting. The approve includes a condition that if the Height Variance is not approved by Town Council, the applicant must return to DRB For an updated IASR review.

Applicable CDC Requirement Analysis: The applicable requirements cited may not be exhaustive or all-inclusive. The applicant is required to follow all requirements even if an applicable section of the CDC is not cited. **Please note that Staff comments will be indicated by** Italicized Text.

Table 1: Relevant information from CDC Sections 17.3.11-14; 17.5.6 (materials); 17-5.8 (parking)

CDC Provision	Requirement	Proposed
Maximum Building Height	35' (shed) Maximum	41.5'
Avg. Building Height	30' Maximum	27.6'
Maximum Lot Coverage	40%, (4,897 Sf)	39.7% (4,857 Sf)
General Easement Setbacks	No encroachment	n/a
Roof Pitch		
Primary		1.5"/12"
Secondary		1"/12"
Exterior Material		
Stone	35% minimum	43.53%
Windows/Door Glazing	40% maximum	17.35%
Metal	n/a	
Wood	n/a	
Parking	2 spaces*	2 spaces

^{*}Single family detached condominiums have historically followed the single-family common interest requirement of the CDC of (2) required spaces

Chapter 17.3: ZONING AND LAND USE REGULATIONS 17.3.11 and 17.3.12: Building Height and Building Height Limits

Sections 17.3.11 and 17.3.12 of the CDC provide the methods for measuring maximum building height and average building height, along with providing the height allowances for specific types of buildings based on their roof form. The proposed design incorporates gable roof forms. Single-family, condominium developments are granted a maximum height of 35 feet and an average height of 30 feet. The average height is an average of measurements from a point halfway between the roof ridge and eave. The maximum height is measured from the highest point on a roof directly down to the existing grade or finished grade, whichever is more restrictive.

Staff: The primary roof form of the proposed structure is shed and is therefore granted a maximum height of 35 feet and an average height of 30 feet. The applicant has indicated that the maximum height of the current proposed structure is 41.5 feet and has an average height of 27.6 feet. Due to the extreme slope of the site, the applicant is requesting a variance to the maximum heigh of up to 7'. The area of impact for the variance is limited to the garage, living and dining area. The applicant has noted that the roof cannot be lowered further in the current configuration. Additionally, the applicant demonstrates on Sheet A006, how the shed roof form reduces the mass of the structure. Although a gable roof form would not require a height variance, it has a greater visual impact than the proposed shed roof.

Chapter 17.4: DEVELOPMENT REVIEW PROCEDURES 17.5.16: Variance Procedure:

According to the CDC, the following criteria shall be met for the review authority to approve a variance:

a. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions.

Staff: The entirety of the lot has significant slopes, with a majority of the site having a slope greater than 30%. The extreme slope of the site and building envelope limit the ability of the lot to adequately site a development within a strict application of the CDC regulation. Staff believes the site constraints constitute special circumstances.

b. The variance can be granted without substantial detriment to the public health, safety and welfare:

Staff: This excess height poses no threat to public health, safety and welfare.

c. The variance can be granted without substantial impairment of the intent of the CDC;

Staff: Staff does not believe the granting of this variance represents a "substantial impairment of the intent of the CDC" as the proposed structure adheres to a majority of the design regulations if the CDC, as outlined throughout in the DRB memo.

d. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district:

Staff: The DRB has recommended approval of similar height variances in this area of the Cortina subdivision before due to unique site conditions related to the slope of a lot. While variances that are granted do not set precedents, there are similar homes in the same zone district that have received variances to construct similar homes nearby.

e. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use:

Staff: The proposed development and associated height variance request allows the lot to be used in a manner similar to that of other sites within the Cortina subdivision and throughout Mountain Village.

- f. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
- g. The variance is not solely based on economic hardship alone; and
- h. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

Staff: Staff believes the criteria for f-h are all being met.

Staff Note: It should be noted that reasons for approval or rejection should be stated in the findings of fact and motion.

DRB Recommendation: The DRB (by a vote of 6-0) recommended approval to the Town Council regarding the height variance application for Lot 165 Unit 2 with conditions found in the proposed motion at their regular meeting on June 6, 2024.

Staff Recommendation: For this Height Variance request, Staff has provided a motion for both approval and denial depending on the findings of the Town Council.

If the Town Council chooses to **approve** of the **variance**, staff would suggest the following motion:

I move to approve a Resolution Approving a Height Variance allowing a maximum height of up to 7 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family residence located at Lot 165 Unit 2, TBD Cortina Drive based on the evidence provided in the staff record of memo dated June 4, 2024, and the findings of this meeting and with the following conditions:

- 1. The approved height variance is valid only with the design presented for Initial DRB review on May 6, 2024, and is valid only for the 18-month period of that design approval. One 6-month extension of the original design review approval is allowable.
- 2. The height variance is specific to the area described in the staff memo in Figure 6, and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, the variance would not cover portions of the building that are not thus described.

If the Town Council chooses to **deny** the **variance**, then staff suggests the following motion:

I move to deny a Resolution Approving a Height Variance at Lot 165 Unit 2, TBD Cortina Drive based on the evidence provided in the staff record of memo dated June 4, 2024, and the findings of this meeting.

/cp

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING A VARIANCE OF THE MAXIMUM HEIGHT LIMITATIONS OF THE MOUNTAIN VILLAGE MUNICIPAL CODE TO LOT 165 UNIT 2

RESOLUTION NO.	
KESOLUTION NO.	

WHEREAS, Chalets at Cortina 2, LLC (the "Owner") is the owner of certain real property described as Lot 165 Unit 2, Mountain Village, Colorado, Assessor Parcel No. 477903405004, and commonly known as TBD Cortina Drive (the "Property"); and

WHEREAS, Brendan Hamlet of KA Design Works (the "Applicant"), with the Owner's consent, has submitted a request to the Town of Mountain Village (the "Town") for a variance to the maximum height limitations (the "Variance Request") found in the Town's Community Development Code ("CDC") for the purpose of developing a single-family residence on the Property; and

WHEREAS, the Variance Request consists of the materials submitted to the Town, plus all statements, representations, and additional documents of the Applicant and its representatives made or submitted at the public hearings before the DRB and Town Council; and

WHEREAS, the DRB held a public hearing on June 6, 2024, to consider the Variance Request and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to issue a recommendation of approval to Town Council of the Variance Request; and

WHEREAS, the Town Council held a public hearing on June 20, 2024, to consider the Variance Request, the DRB's recommendations, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted _____ to approve this Resolution ("Variance Approval"); and

WHEREAS, the public hearings and meetings to consider the Variance Request were duly noticed and held in accordance with the CDC; and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.16 of the CDC and finds that each of the following have been satisfied or will be satisfied upon compliance with the conditions of this Resolution set forth below:

- 1. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;
- 2. The variance can be granted without substantial detriment to the public health, safety and welfare;
- 3. The variance can be granted without substantial impairment of the intent of the CDC;
- 4. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;
- 5. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;
- 6. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
- 7. The variance is not solely based on economic hardship alone; and

8. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

WHEREAS, the Town Council now desires to approve the Variance Request, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

<u>Section 2. Approval</u>. The Town Council hereby approves a variance of 7 feet above the allowable maximum height as outlined in the CDC for portions of a new single-family residence to be constructed on the Property, as described in the Variance Request.

Section 3. Conditions. The Variance Approval is subject to the following terms and conditions:

- 3.1. The approved height variance is valid only with the design presented for Initial DRB review on June 6, 2024, and is valid only for the 18 month period of that design approval. Upon request by the Applicant, Town staff, in its discretion, may approve a 6-month extension of the original design review approval.
- 3.2. The height variance is specific to the area described in the staff memo and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, the variance would not cover portions of the building that are not thus described.

<u>Section 4. Effective Date</u>. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held on June 20, 2024.

David McConaughy, Town Attorney



PROJECT: 120 Cortina Residence

REGARDING: TOMV Preliminary Design Review Narrative

DATE: 4.05.2024

Site

The site is located toward the bottom of the Cortina Land Condominiums directly across the street from the Villas at Cortina. The site slopes down toward San Joaquin Road below, and the Building Envelope (B.E.) is placed relatively close to Cortina Drive. The access side of this site (West) is within 5' of the Property line and is encumbered by an existing retaining wall flanking Cortina Drive. The orientation of the B.E. is generally running North / South. The primary views are to the Northeast, and the geometry of the B.E. lends itself to glazing being located on the East (downhill) side of the home.

Design

A unique building design resulted by working around the site constraints and capitalizing on the assets to yield a home that fits right there. The site is steep, the short axis of the B.E. is narrow and we propose a driveway directly connected to the Garage with the formal entry flanking this sequence. The approach to the home from Cortina Drive is low, welcoming and sensitive to the neighbors. The Entry is visible from the street and allows the occupant to discover the views to the East and Northeast upon entering into the home. The short sides of the home are supported by hefty masonry bases while the downhill side of the home is continuously supported by the same masonry plinth. The home is grounded. The Garage is to be supported by substantial steel columns and beams. Associated decks and walks are also supported in a similar manner, the character of which harkens back to the mining vernacular present throughout western Colorado.

The grade of the lot does not allow for much (if any) occupiable landscape areas, thus we have built in several outdoor areas connected to the building. A continuous deck on the East side of Main Level for outdoor living is not overly excessive but does allow the occupant to experience the outdoors as the seasons allow. The Lower Level has a sheltered patio below the Garage which is a perfect location for a hot tub and associated outdoor living. We envision this area to be a quiet, tranquil place for the occupants to enjoy the outdoors.

Lighting

We work within the constraints of the night sky initiative frequently, and thus have placed exterior lighting as necessary by code only. Step lights have been placed at the exterior of the building at walkways and doorways to assist the occupant in safely navigating the property while not creating an oppressive beacon of light in the night.

The East Elevation has a fair amount of glazing (well within the 40% maximum) and we will work to ensure that interior lights will produce a minimum amount of light bleed to the exterior. We

will specify ceiling mounted lights to have shielded bulb / light source to minimize the often offensive viewing of light source(s).

Construction

The owner of Cortina 2 also owns the neighboring lots Cortina 3 and 4. These neighboring lots have constructed an access road from San Joaquin to aid in construction from below thus relieving the need to use Cortina Drive as primary access for construction. We intend to amend this access road to exist below Cortina 2 as well so that we can employ the same strategy of construction largely from below.

Property and Zoning Information

Legal Description: Unit 2, Cortina Land Condominiums according to the map of the Cortina Land Condominiums, A C Colorado Common Interest Community, Lot 165 Town of Mountain Village recorded November 30, 2004 in Plat Book 1 Page 3400 thru 3401 and also according to the Declaration recorded November 30, 2004 at Reception No. 370697, County of San Miguel State of Colorado

Parcel ID: 477903405004

Address: 120 Cortina Drive Mountain Village, CO 81435

Lot Size: 12,244 SF

Zone District: Multi Family

Max Building Height: Required = 35' for Shed Roof, 40' for Gable Roof. Proposed = 41.5'

Average Building Height: Required = 30'. Proposed = 27.6' Lot Coverage: Required = 40% Max. Proposed = 39.7%

Setbacks:

Front: Required = 5'. Proposed = 7'-6"

Sides: Required = 16'. Proposed North = 21'-1". Proposed South = 21'-3"

Rear: Required = 30'. Proposed = 30'-4"

Roof Pitches: Primary 1.5"/12". Secondary 1"/12"

Exterior Materials:

Stone: Required = 35% Minimum. Proposed = 43.53% Windows: Required 40% Maximum. Proposed = 17.35% Parking: Required = 2 Enclosed. Proposed 2 Enclosed

17.5.4.F: Town Design Theme

1. The home is sited to capitalize on the site constraints and is sensitive to the surrounding neighbors. The Garage is located on the Southern portion of the home and the driveway provides direct access to Cortina Drive. The home appears low from Cortina Drive and is sensitive to the neighbors across the street in regards to retaining their primary views to the East. The views of the home are largely from the rear looking East and Northeast. The majority of the glazing toward the views faces East which allows for gentle morning light. The Fire Mitigation Zones 1 and 2 mandate that all substantial trees to be removed. Upon TOMV Preliminary Approval, Landscape design will commence to revegetate the site to the benefit of the neighborhood and the homeowner.

- 2. The massing of the home is sensitive to the topography. The Entry / Main Level of the home relates to grade on the Cortina Drive side of the home. The home steps with the topography as it pushes North. The Garage is to be supported by substantial beams and columns which allows for a wellness deck below. The view of the home from San Joaquin Road has been carefully thought out by providing simple massing and engaging rusticated masonry base.
- 3. The majority of the home is resting on a Masonry plinth. The portions of the home not on Masonry will be flashed accordingly to withstand the alpine snow conditions.
- 4. The low sloping roof elements with snow retention features fit into the high alpine contemporary architectural language and will be property tied to site drainage design.
- 5&6. A combination of warm gray stone similar to the neighbors with natural brown wood siding and bonderized flat lock panel with wood and metal fascia provides a natural color palette.

15.5.5.A. Building Siting Design

1 . The home is sited within the building envelope, the HOA initially thought the home was too close to the road. The home was then pushed away from the road within reason to accommodate their request. This does, however, elevate the home a bit more. The HOA was happy with this adjustment and has approved as such. The driveway is situated to connect the garage direct to Cortina Drive, the Entry is shielded and flanks the driveway. Utilities are out of view, the decks are on the back side of the home and are largely out of view from Cortina Drive.

Design Variation: 17.3.13 D: We will likely be asking for a few subterranean elements (footers) to be located outside of the B.E. We have been careful with design to keep all associated above grade elements clear of the B.E., but as we begin Structural design it may be the case that some of the foundation footers may need to extend beyond. Given the relatively constraining B.E., we would prefer to proceed with the exterior envelope as designed without having to shrink the building further.

With the shifting of the home further away from the road per HOA request, we will also be asking for a design variation as a portion of the deck above grade and a portion of the Garage roof will protrude into the General Easement by approximately 10".

- 2. The building siting, foundation plan and construction plan envisions minimizing the amount of site disturbance as reasonable while allowing for tree and fire mitigation as noted on the Landscape Plans. The HOA has also requested that the home be largely constructed from below as to not block Cortina Drive. A temporary curb cut at San Joaquin is proposed to service a temporary service road below the home, SEE Civil Drawings. Once the home is complete, this site disturbance will be brought back to its native state.
- 3. The shed roofs are all pitched away from pedestrian and vehicular travel. Every roof will be guttered (with heat tape) and downspouts will tie into Civil drainage to direct and mitigate water

infiltration. Although the roof pitches are low, we will be installing snow retention devices to mitigate snow fall from roofs.

17.5.6.A Building Form

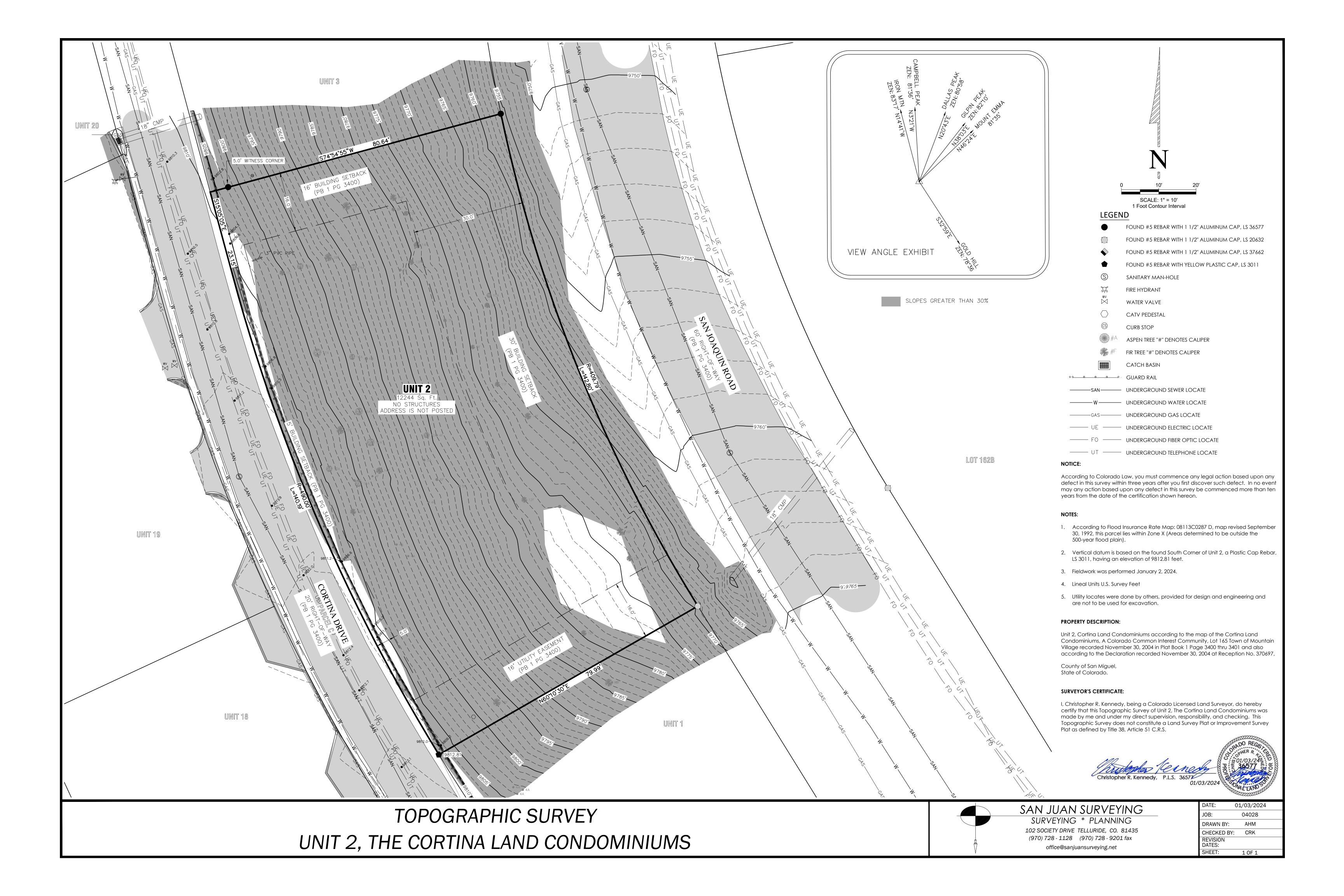
The form of the building has a substantially grounded base in areas of the predominant views which are to the East and Northeast. The massing of the overall building is broken into smaller elements in floor plan and in elevation. Masonry walls have only a select few windows located, they will be recessed back from the face of the masonry to reveal a 5" depth to convey heavy, thick massing.

17.5.6.B Exterior Wall Form

Walls of varied materials overall are simple in design allowing the larger expanses of windows to express views from the interior with overhangs assisting in shielding the glass from the adjacent view lines. A heavy stone base supports the majority of the home.

Design Variance - 17.4.16: We will be requesting a height variance of 7'. The driveway and Garage are located as low as possible within this design, and the ceiling of the Garage is only 8' at the low side to assist in keeping things low. The entire home is designed using shed roofs to capitalize on the views and to provide sheltering from across the street. Per the Town of Mountain Village (TOMV), this type of roof is allowed to be located 35' from grade. The roof at the Garage has been oriented to shed water away from the driveway, and this shape also works well with the 35' grade offset. The rest of the building steps down approximately 4' in an effort to reduce the overall height of the building.

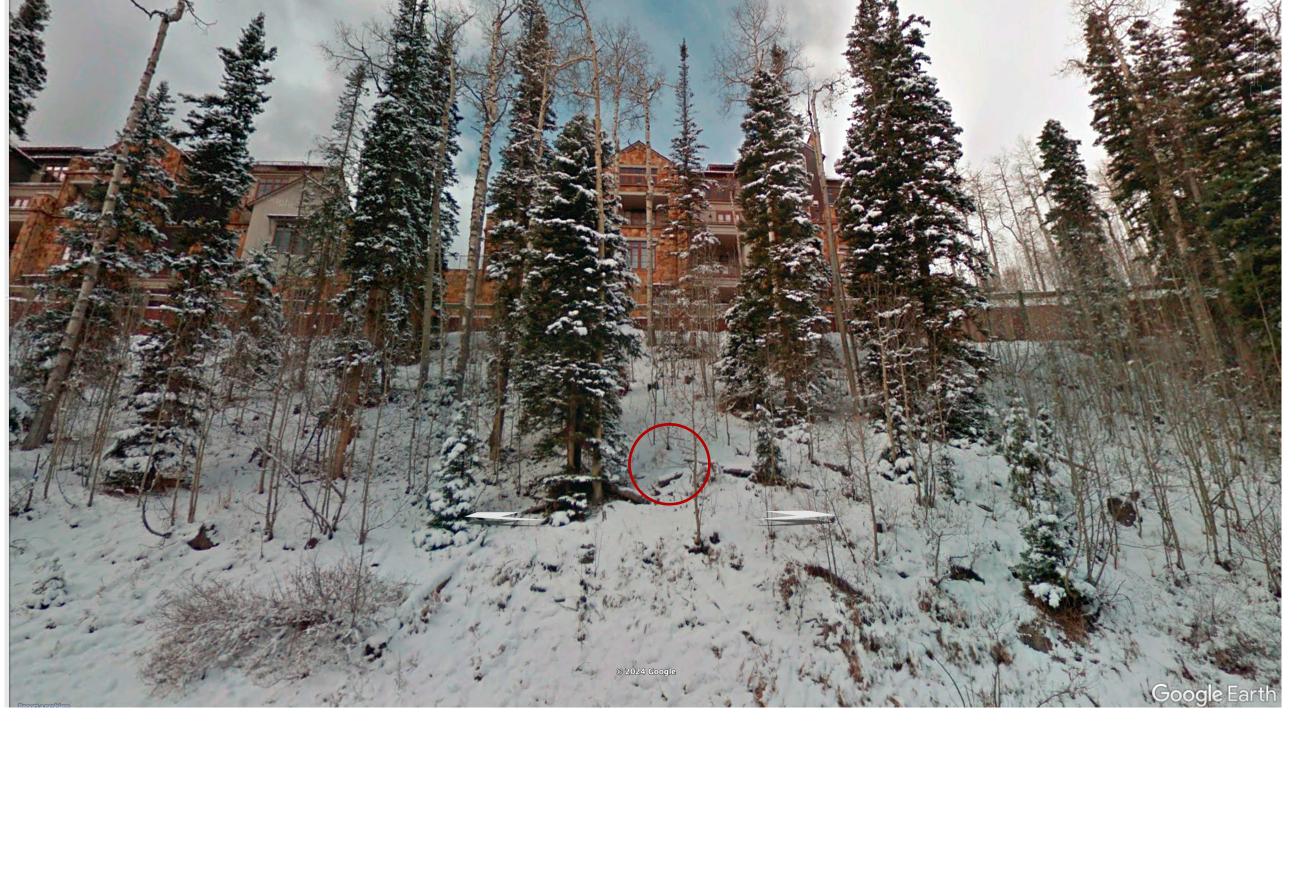
If we were to use Gable roofs, then we could extend an additional 5', to a total of 40'. You will see on sheet "A005 Heights Exhibit" we have demonstrated that shed roofs are better for this design in terms of keeping the entire building low for occupant and community benefit. We could use the same floor plan with Gable roofs and not need to ask for a variance, but this would yield a significantly taller perceived mass.



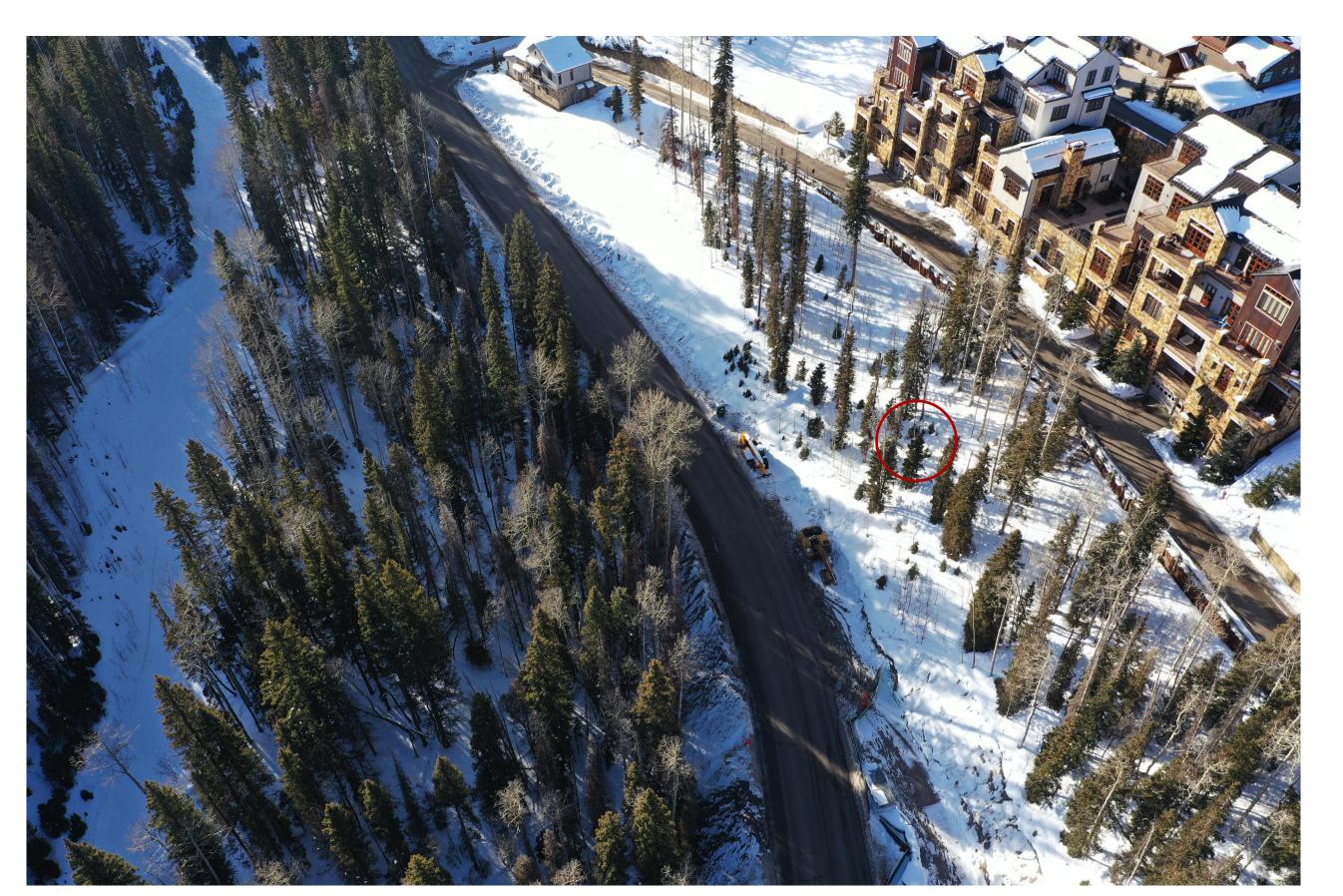












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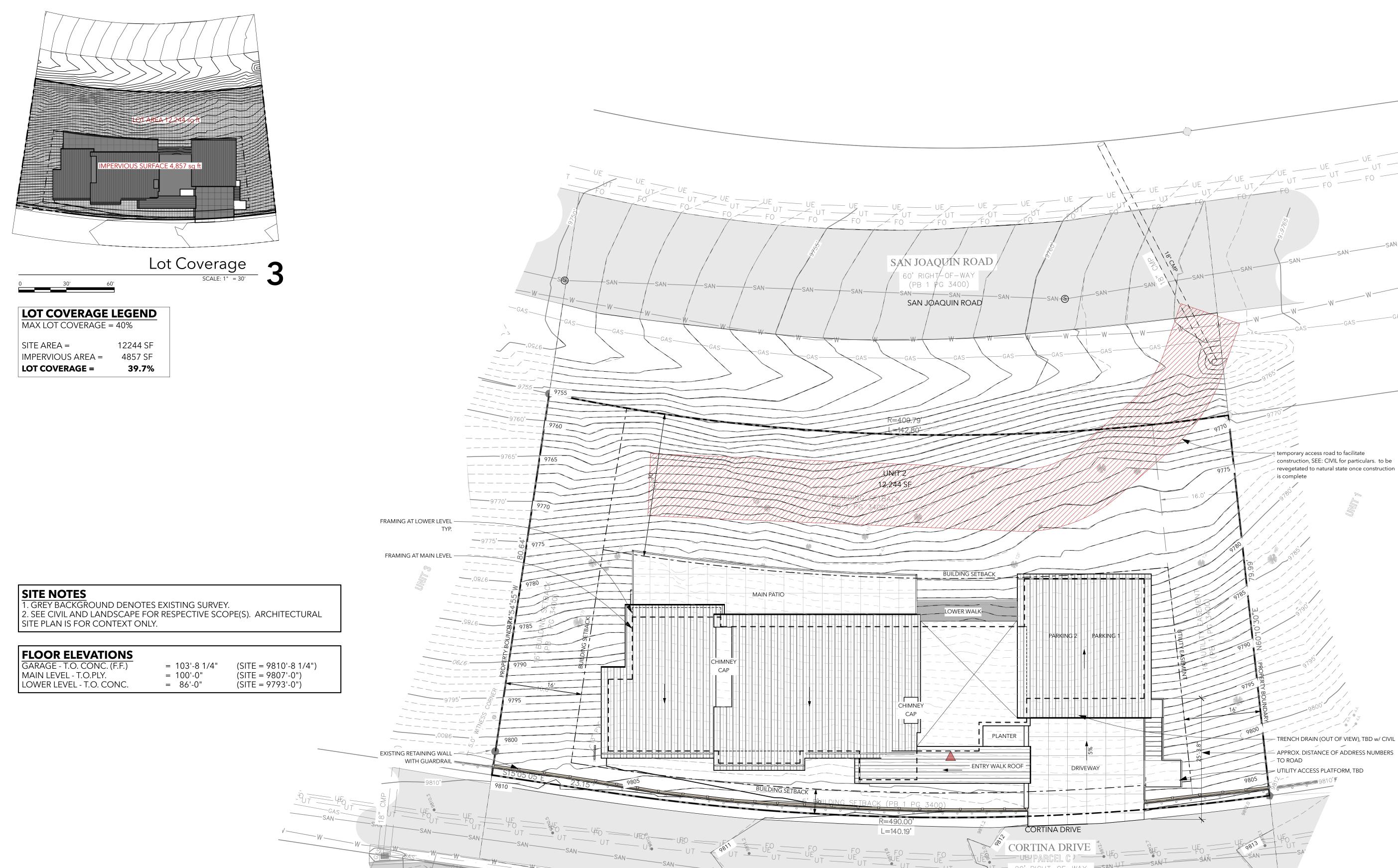
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PHOTOS

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SITE PLAN



CONSTRUCTION

ID	ISSUE	DATE
01	HOA / SD	02.16.2024
02	TOMV Prelim.	04.08.2024
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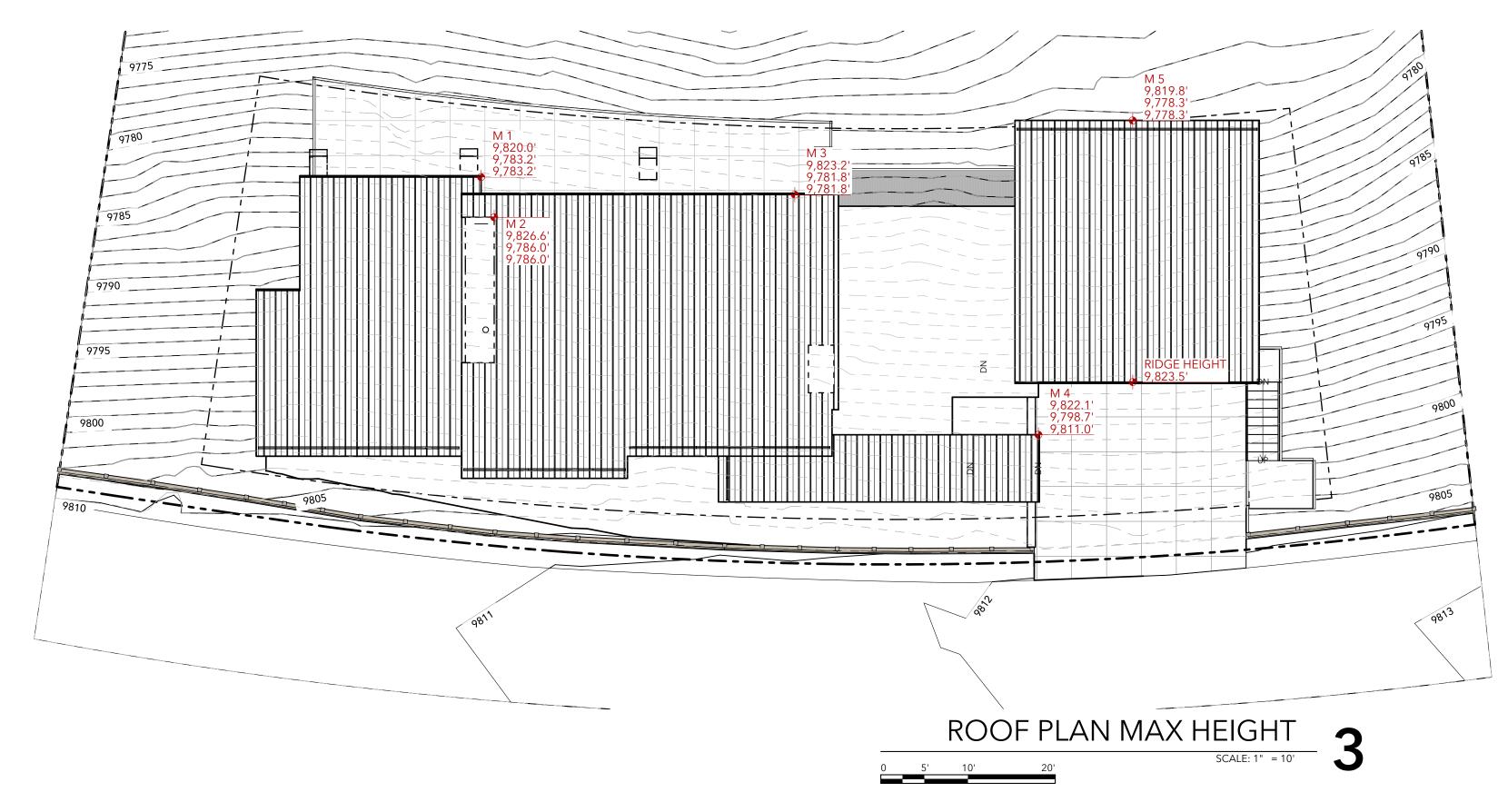
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HEIGHTS PLANs

A005



Roof Point	Roof Point Elevation	Natural Grade Below	Roof Height Above Natural Grade	Proposed Grade Below	Roof Height Above Proposed Grade
M 1	9820.0	9783.2	36.8	9783.2	36.8
M 2	9826.6	9786.9	39.7	9786.0	40.6
M 3	9823.2	9781.8	41.4	9781.8	41.4
M 4	9822.1	9798.7	23.4	9811.0	11.1
M 5	9819.8	9778.3	41.5	9778.3	41.5

Cortina 2 - Wall Areas + Heights - Max Height

,	NG = Natural Grade PG = Proposed Grade	Roof Height Above Most Restrictive Grade
	NG	24.7
	NG	24.2
	NG	25.0
	NG	26.9
	NG	27.9
	NG	28.5
	NG	28.5
	NG	28.9
	NG	28.9
	NG	21.1
	NG	15.3
	NG	36.2
	NG	35.9
	NG	34.4
	AVERAGE HEIGHT	27.6

Cortina 2 - Wall Areas + Heights - Ave Height 2

Natural Grade Below

9793.3

9793.8

9794.3

9793.3

9791.4

9799.4

9785.8

9818.0

9818.0

9818.0

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9821.2

9821.2

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9819.9

9819.9

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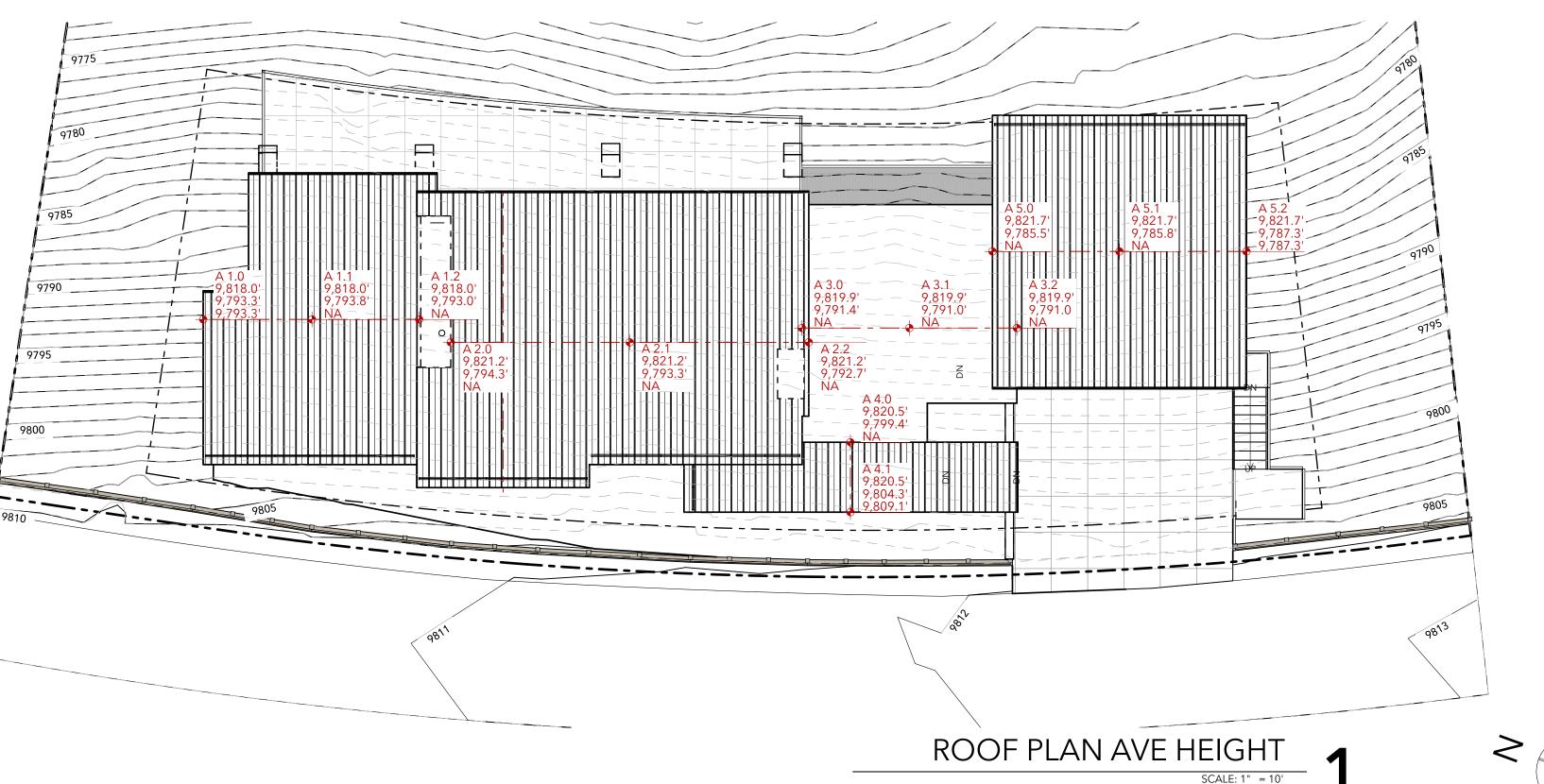
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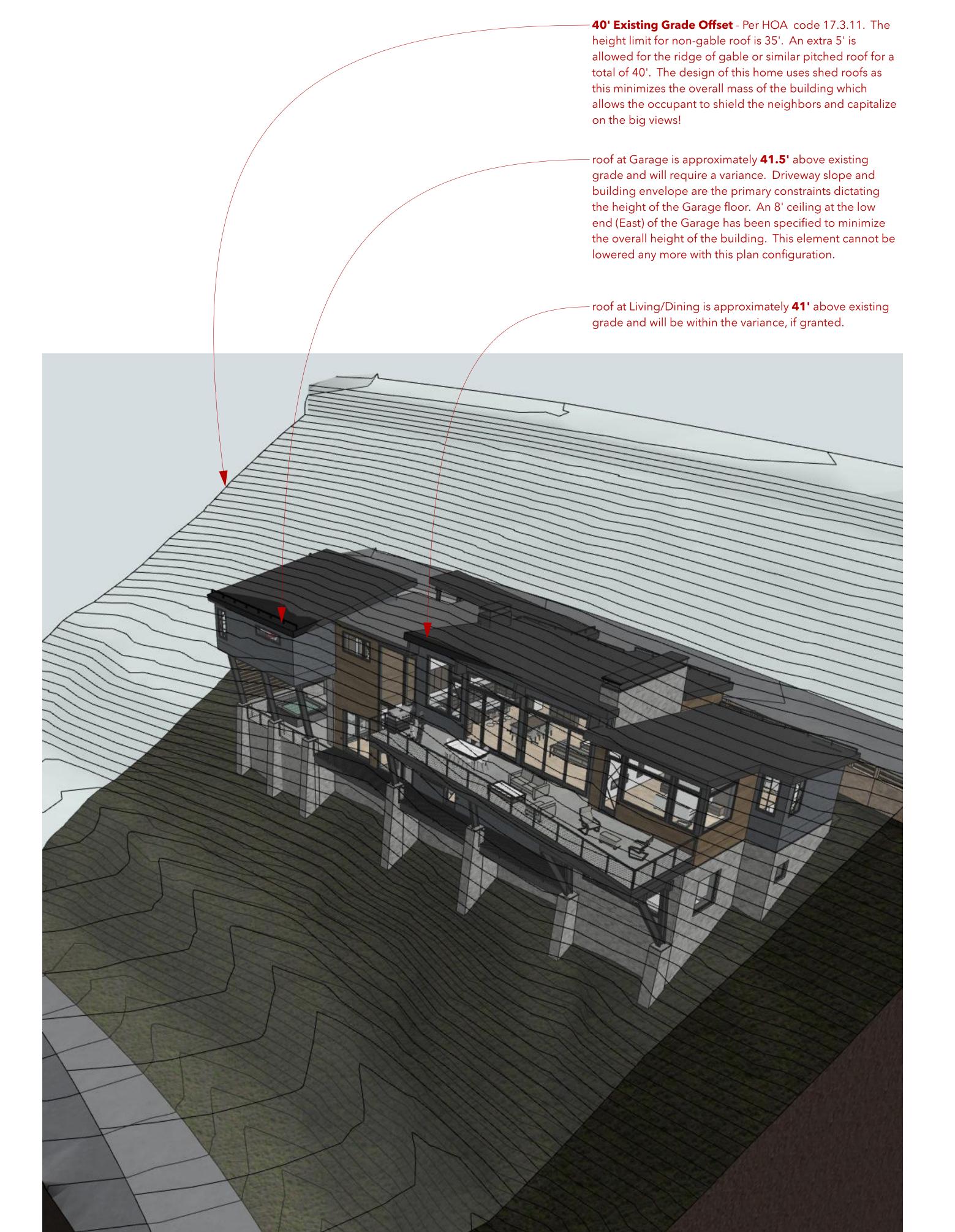


40' Existing Grade offset



3D Zoning Southeast SCALE: 1:74.54

current design with shed



120 CORTINA RESIDENCE

ASPEN | BASALT | COLORADO P:970.948.9510 KA-DESIGNWORKS.COM

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ID	ISSUE	DATE
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HEIGHTS EXHIBIT

NW 3D 2

SE 3D

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3D VIEWS

A703



SW 3D





3D RENDERING NOTES
Shown for context and character only, RE: Plans, Elevations, Sections, Assemblies and Details for further information.

NE 3D **3**

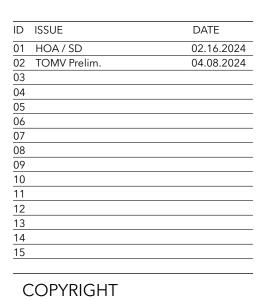
1) W1—INDICATES WALL ASSEMBLY, SEE WALL ASSEMBLIES ON A601 D E S I G N W O R K S

ASPEN | BASALT | COLORADO
P:970.948.9510
KA-DESIGNWORKS.COM

RTINA RESIDENCE

CORTINA RES
120 Cortina Drive
Mountain Village, CO 8143

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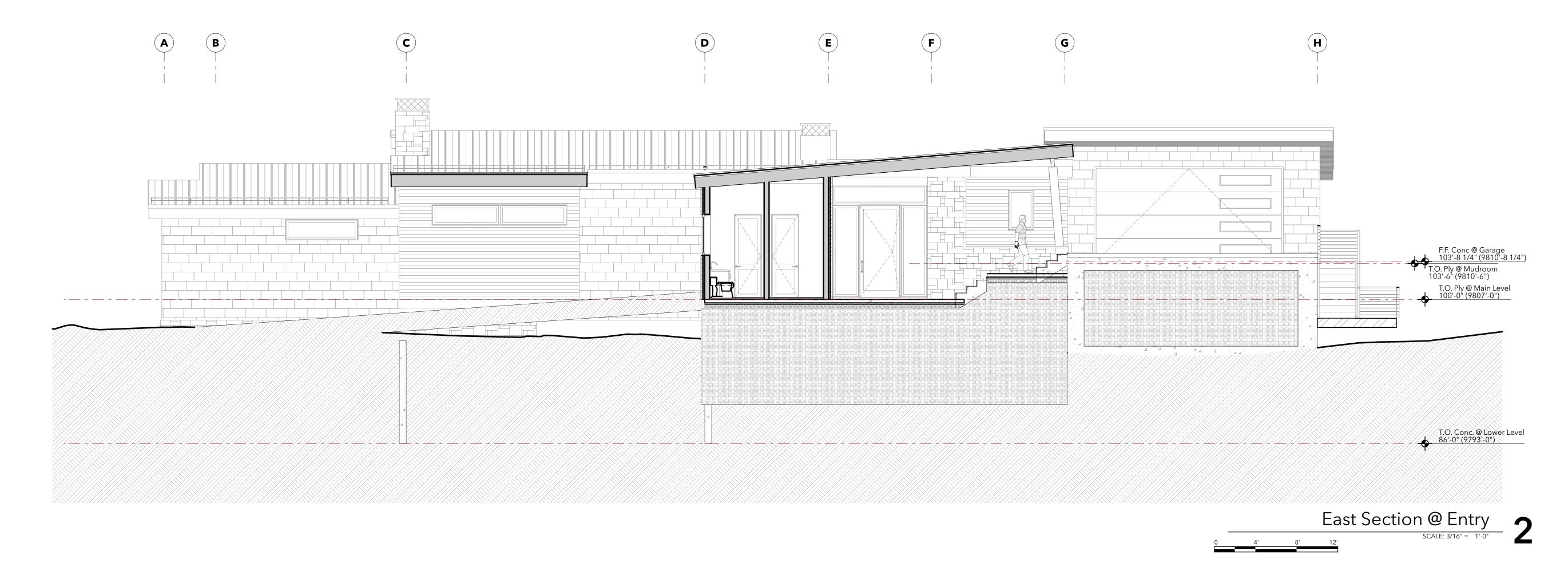
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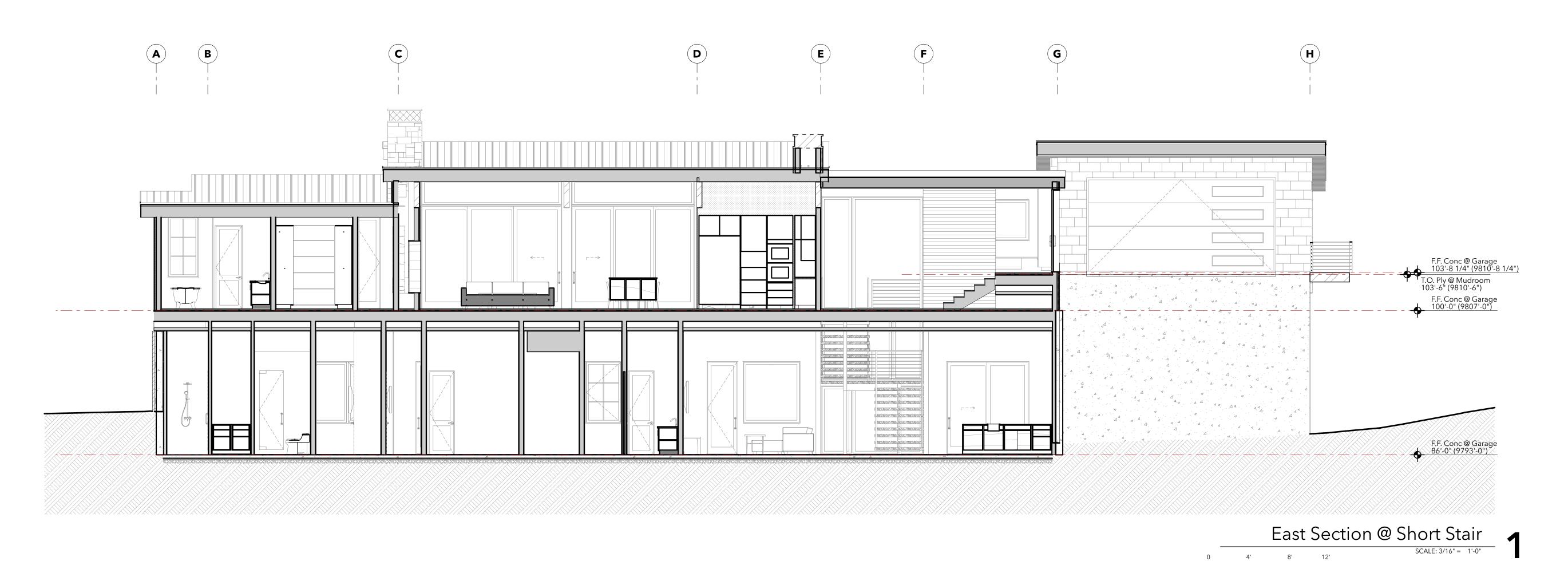
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BUILDING SECTIONS





B F.F. Conc @ Garage 103'-8 1/4" (9810'-8 1/4") T.O. Ply @ Mudroom 103'-6" (9810'-6") TO Ply @ Mair T.O. Ply @ Main Level T.O. Conc. @ Lower Level 86'-0" (9793'-0")

NOT FOR CONSTRUCTION

ID ISSUE

01 HOA/SD

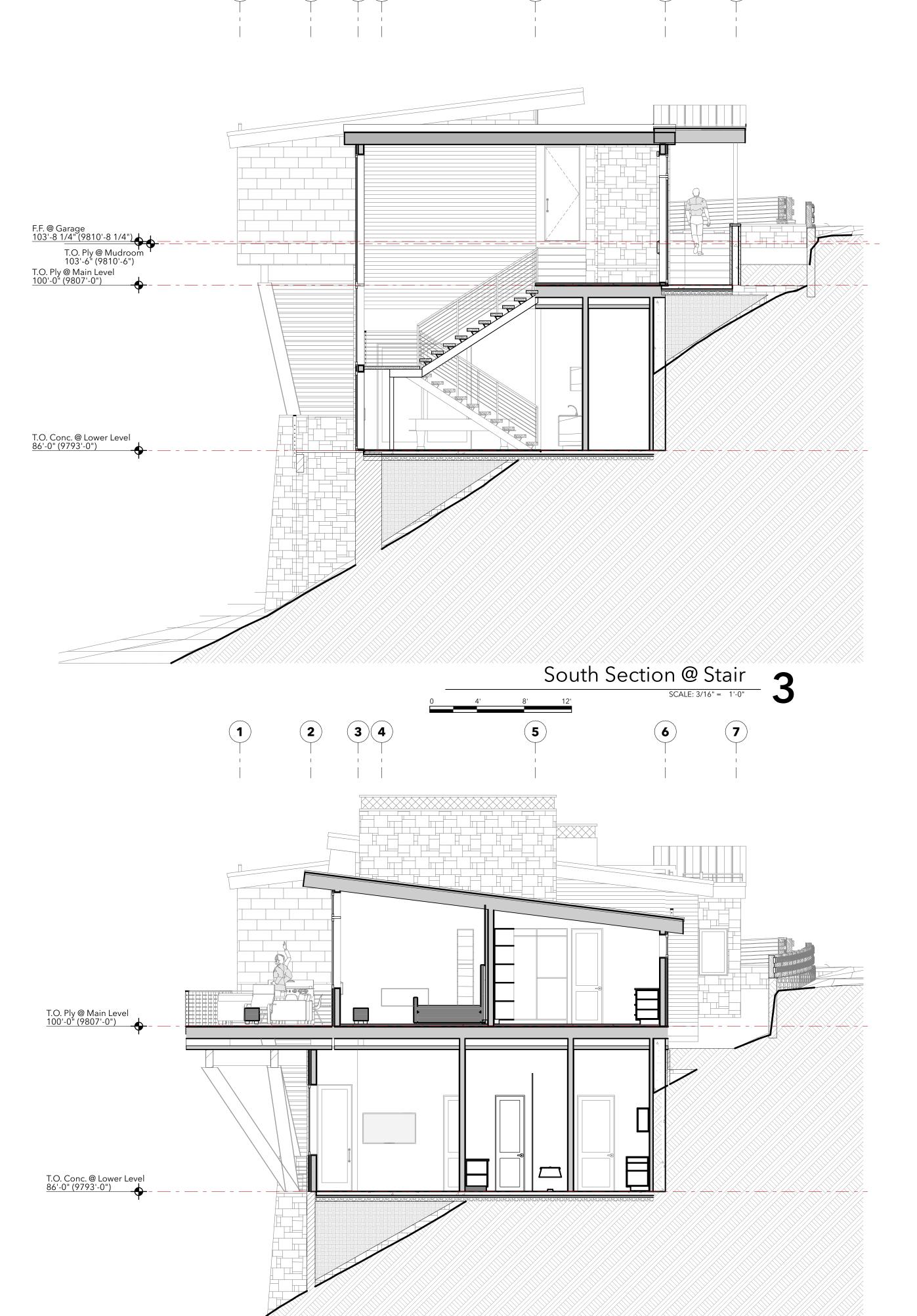
02 TOMV Prelim. 02.16.2024 04.08.2024 COPYRIGHT

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A802

East Section @ Garage

SCALE: 3/16" = 1'-0"





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D	ISSUE	DATE
01	HOA / SD	02.16.2024
)2	TOMV Prelim.	04.08.2024
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SHEET TITLE

South Section @ Bed 1

SCALE: 3/16" = 1'-0"

BUILDING SECTIONS