

Joint Meeting of the Board of Zoning Adjustment and Board of County Commissioners

June 2, 2007
Custer County Courthouse
Westcliffe, Colorado

Present:

Board of Zoning Adjustment: Gerry Dearborn; Skip Northcross; Bruce McDonnall;
Dave Tonsing; Cindy Howard
Associate Members: Kenneth Patterson, Joe Arbuckle (Tardy)
Absent: Cindy Howard, Jim Jones
Staff: Jackie Hobby; Christy Kesselring; John Naylor (County Attorney)

The meeting was called to order at 9:00 A.M. by SKIP NORTHCROSS, BOARD OF ADJUSTMENT Chair.

NORTHCROSS called for an approval of the May 2, 2007 minutes. DAVE TONSING MOVED to correct the minutes that DUNMORE should be DUNDORE. The motion passed with accepted changes unanimously by voice vote.

ZONING OFFICE REPORT

- The data base for the SUP is complete and will be in use.
- BRIAN CLINCE was introduced as CHRISTY KESSELRING replacement.
- The zoning office staff has been busy with inspections this month.

SCOTT AND KARA FEDDERS/REQUEST FOR A SETBACK VARIANCE

Legal Description: Lot 4, Block 3 Lake Deweese filing 1
Property Address: 225 Cove Drive
Schedule number: 101-88-750

6 Letters were mailed to adjoining property owners and interested parties, with two responses in favor.

JACKIE HOBBY read the two responses. AQUILA ELECTRIC had no objection. GLEN CHOATE & JUDY BULLEN replied that they had no objection as long as their roof line does not extend over the property line.

NORTHCROSS: read the Applicants statement “ *I would like to build a garage on the north side of my lot. I am requesting a setback variance because this is the only place on my lot I can build without blocking access to the North property. There are no other future building plans for this property as of 4-30-07.* ”

SCOTT FEDDERS: represented his application. FEDDERS stated that he would like build a garage on the north side of his property. He stated the hardship as stated in the Custer County Zoning Resolution 4.3 is the size of my lot which is only .14 acres.

JACKIE HOBBY read the question that were asked at the site tour. Question #1 would you identify your property lines? FEDDERS identified his property lines. Question #2 Explain the problem why you cannot build on the back side (west) of your structure? FEDDERS: His access is from Cove Drive and he cannot block the rear prescriptive easement. Also, if he built the garage on this location he would not be able to back into his garage as there is not enough room. Question #3 What is the hardship? FEDDERS: The size of the lot. It is very narrow. Question #4 Did you contact your propane Company? FEDDERS : Yes, and if he downsized the propane tank he would only have to be 5' away from his dwelling.

GERRY DEARBORN: If the road in front of your property is in the wrong place, how will it effect your driveway into your new garage? FEDDERS: If that would ever happen, he would lower his property to make it into the garage. DEARBORN: How far off the plat is the road? FEDDERS: He did not know for sure but probably 15 feet to 20 feet. DAVE TONSING: My only concern is the septic vault on the side of the proposed driveway. FEDDERS: If that became a problem he would build a retaining wall of concrete or cinder block.

BRUCE MCDONNALL: What is the size of your lot? FEDDERS: It is .14 acres. MCDONNALL: Why did you buy this lot? I have lived in a lot of places that did not have a garage. FEDDERS: He liked the house and the location. These issues came up after he purchased the property. He will be using the garage in the winter for his vehicles and in the summer for our boat to keep the sun off of it. The garage will match the outside of the residence and will add value to the property.

MCDONNALL: Why can't you build on the west side of the property? FEDDERS: He cannot block the prescriptive easement that is on the property and the left front of the garage would encroach on this easement. The size of the lot would also be a problem. He would have to drive his vehicle on the other property which he does not own.

TONSING made a motion to grant the variance. DEARBORN seconded the motion. NORTHCROSS asked for a vote by a show of hands. Four were in favor, one opposed.

HOBBY called for a roll call vote with reasons. TONSING: yes, that the narrowness of the lot and that the neighbor that is most affected has no objections. DEARBORN: yes, I agree for the same reasons and if the neighbor has no objection. KEN PATTERSON: yes, for the same reasons, the lot size. MCDONNALL: no, I don't agree that it created a hardship. NORTHCROSS: yes, the lot is exceptionally narrow and the neighbor to the north has no objection.

NORTHCROSS: Motion is **granted** for a setback variance.

New Business:

Our next site tour will be June 28th, 2007. Are there any questions about Roberts Rules? BRAIN CLINCE suggested that the BZA should recite the pledge of allegiance before every meeting. DEARBORN moved to adjourn at 9:30 A.M. TONSING seconded.
Adjourned