

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

October 2, 2007  
Custer County Courthouse  
Westcliffe, Colorado

## Present:

Board of Zoning Adjustment: Gerry Dearborn, Skip Northcross;  
Dave Tonsing, Cindy Howard, Bruce McDonnell  
Associate Members: Kenneth Paterson, Jim Jones, Joe Arbuckle  
Absent: Jim Jones, Joe Arbuckle  
Staff: Jackie Hobby, Brian Clince

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

NORTHCROSS called for an approval of the September 5, 2007 minutes. DAVE TONSING MOVED to accept the minutes. CINDY HOWARD seconded. The motion passed unanimously by voice vote.

## ZONING OFFICE REPORT

- BILL DONLEY will fill the vacancy on the planning commission his term will expire in 2010
- September 2007 we had 8 septic inspections, 17 special conferences, 10 Compliance inspections and 2 septic contractors' tests given
- The office has completed all the outstanding compliance inspections.
- Violations are still an issue with oversized signs and accessory structures.

OLD BUSINESS: The Friends of the Beckwith Ranch haven't submitted their conservation easement to the Planning and Zoning office. The Planning and Zoning office will do a follow up on this.

A letter to Mr. Fisher for information regarding the age of the overheight barn on Sierra Mojada.

## ESTATE OF DONALD VIRGIL LAWSON/CREATE A UNDERSIZED LOT

Legal Description: See attachment  
Property Address: 182 County Road 295, Wetmore CO  
Schedule number: 101-11-903

SKIP NORTHCROSS: *read the applicant's statement:" The applicant desires to create an undersized lot (7+ acres) to comply with the desires of the deceased Donald Virgil Lawson to*

*devise the house on the described property on Attachment 1, #2 to his grandson, Randy Lee Lawson of Wetmore Colorado.*

NORTHCROSS: Were adjoining land owners notified?

JACKIE HOBBY: Yes, 2 with no responses

Randy C. Lawson represented the application.

NORTHCROSS asked the applicant if there was anything that he would like to add to his statement.

LAWSON replied that his son RANDY C. LAWSON is currently living in the house and is also a welding teacher in Florence Colorado and that in the outbuilding he has a shop setup for his welding that is included with this property and that is why his grandfather left RANDY this property.

NORTHCROSS: I would like the County Attorney to comment on this application since it involves a will.

CINDY HOWARD: I am uncomfortable with making a decision on this application since it involves a will and I was wondering if we would approve this will we be putting the county at risk for someone to contest it and take the county to court.

COUNTY ATTORNEY JOHN NAYLOR: Dad made the decision of how he was going to divide his property never thinking of the consequences. Usually we consider a hardship with the terrain of the property or narrowness. The will has created this situation and the hardship is now on the family.

GERRY DEARBORN: We don't deal with the family issue.

COUNTY ATTORNEY: The will has created the hardship and we are looking at land use. The Land use will not change.

NORTHCROSS: Are there any questions from the audience?

MEREDITH O'NEIL: Yes, how much property did your father have?

LAWSON: About 135 acres.

BRUCE MCDONNALL: Made a motion to approve the undersized lot.

DEARBORN: Seconded the motion.

NORTHCROSS: Asked for a show of hands. All were in favor of granting the variance.

REASONS:

DAVE TONSING: Yes, no issues with the adjoining land owners and counsel believes that the will did present a hardship and the land use will not change.

MCDONNALL: Yes, for the same reasons.

HOWARD: Yes, the same reasons as DAVE stated and what the COUNTYATTORNEY stated.

DEARBORN: Yes, the same reasons as stated by DAVE and CINDY

NORTHCROSS: Yes, I voted to allow this non conforming lot. I feel that MR. LAWSON would have included an additional 3 acres but do to the shape of the area with the home and his grandsons welding shop there was no continuous area available. This results in an irregular and exceptional practical difficulty.

**Variance was granted unanimously.**

**STEPHEN G. & JUDITH I. MITCHELL/CREATE A UNDERSIZED LOT**

Property Address: 106 County Road 182R

Schedule number: 100-44-650

SKIP NORTHCROSS: read applicants statement:" *I request to add the described "proposed parcel" (APRX 1.5 acres to my existing property) (1.53acres) to make my non-conforming lot more conforming. This would also decrease potential density in the area. This would also give me more space away from the Verdemont radio tower which represents a hardship to me. Approval would be subjected to a survey, also subject to all existing easements (RD 182R) upon completion of interior lot line would be vacated to one larger more conforming parcel.*

STEPHEN MITCHELL: represented the application.

NORTHCROSS: Were adjoining land owners notified?

HOBBY: Yes, two with no responses.

NORTHCROSS: Does the applicant have any thing he would like to add to his statement?

MITCHELL: Yes, I believe the hardship is the towers to the east of my property and this would be less density and the only impact on my adjoining neighbor is MARY JAGOW and this was mainly her idea.

NORTHCROSS: Is there any questions from the public or board?

DEARBORN: How many acres does MARY JAGOW own?

MITCHELL: about 95 acres.

HOWARD: made a motion to approve the variance to create an undersized lot with the following conditions.

- 1. A survey and plat filed and recorded showing all existing easements.**
- 2. The interior lot line vacated.**
- 3. A deed filed and recorded reflecting the new parcel**

TONSING: seconded the motion with the conditions that HOWARD stated.

NORTHCROSS: Asked for a show of hands. All were in favor of granting the variance.

REASONS:

HOWARD: Yes, no negative responses from adjoining land owners. It results in a larger parcel with less density.

DEARBORN: Yes, no objections and less density.

MCDONNALL: Yes, all the same reasons that was stated before.

TONSING: Yes, less density and the easement will be protected.

NORTHCROSS: Yes, I concur to allow the expansion of this non conforming lot with the conditions stated, it makes it less non- conforming and also blocks the possibility of a future builder building a dwelling on this section. It also appears that Mary Jagow is making an attempt to improve this area.

**Variance was granted unanimously.**

NORTHCROSS:Our next site tour will be November 1, 2007 and the meeting will be November 7, 2007.

Meeting was adjourned at 9:50 A.M.