

Meeting of the Board of Zoning Adjustment

February 2, 2016
Custer County Courthouse
Westcliffe, Colorado

Present:

Board of Zoning Adjustment: Jean Canterbury
Absent: Ken Patterson, Ken Lankford, Dorothy Nepa and
Lockett Pitman
Associate Members: Dale Mullen and Mike Shields
Absent: Lance Ingram
Staff: Jackie Hobby and Chuck Ippolito

The meeting was called to order at 1:00 P.M. by Jackie Hobby, Custer County Planning and Zoning office Director/Code Enforcement.

Pledge of allegiance recited:

HOBBY: We have a lot of seated board members absent and will need to replace them with the Associate members DALE MULLEN and MIKE SHIELDS. We have some Planning Commission members in the audience that will be able to also fill the vacancies on the Board of Zoning Adjustment. We have elections today and will need to elect a Chairman and Vice Chairman. KEN PATTERSON would like to retain his position as Chairman and KEN LANKFORD would like to retain his position as Vice Chairman. Is there anyone else that is interested in these positions?

Hearing none

We can do this on of two ways we can go ahead and appoint KEN PATTERSON and KEN LANKFORD for the positions or we can wait until the next Board of Zoning Adjustment meeting.

CANTERBURY: I make a motion that we appoint them in their absence as long as we know that they want those positions.

MULLEN: Seconded the motion

Motion passed unanimously

HOBBY: You will need to elect a secretary.

MULLEN: I make a motion that we appoint JACKIE as secretary.

CANTERBURY: I second the motion.

Motion passed unanimously

CINDY HOWARD and PATRICK LYNCH filled the vacant seated positions.

A vote was taken among the members to have JACKIE fill the Chairman's position for this meeting.

MULLEN: I would recommend that the secretary serve in that position for this session.

BARNES: Quoted the Zoning Resolution 4.6 B. and also commented that I could not vote.

HOWARD: Quoted Zoning Resolution 4.5 D3, General Rules.

HOBBY filled the Chairman position for this session only.

HOBBY: I will give a zoning report. In January we had three septic permits and four special conferences, eleven compliance inspections. In 2015 in the month of January we had \$1,564.50 in January 2016 we \$8143.45. We also need to approve the November 10, 2015 minutes.

MULLEN: Moved to accept the minutes as written.

CANTERBURY: Seconded the motion.

The motion passed with two members abstaining.

HOBBY: I will read the applicants statement." *In purchasing this 7.18 acre property, my plans is to create a viable property for a well and have it comply with the Custer County Zoning Regulations by requesting a subdivision waiver so that I can drill a well to service a household use only well.*" " *Note applicant was requesting a variance creation of an undersized lot from the Board of Zoning Adjustment*".

HOBBY: The Zoning Regulations went into effect in 1972. The KOCH family owned this parcel of property. In 1974 they divided the larger parcel into three smaller parcels. When Ms. SAFFORD went to apply for a well she found out that this was subdivided after the Zoning Regulations went into effect. We are not creating another parcel; this parcel has been there since 1974. In order to follow the steps to make this a conforming parcel she will need to get approval from the Board of Zoning Adjustment for a creation of an undersized lot because it is in a thirty five acre zone. In order for her to apply for a well she will need to have approval from the Planning Commission for a Waiver of Subdivision Regulations. Ms. SAFFORD would you please come up to the podium and is there anything you would like to add to that statement?

SAFFORD: Just so I make sure that the lot is compliance with what the commission requires. The well would be an in house use only permit.

HOBBY: Does the Board have any questions?

HOWARD: The MOYER parcel that was mentioned in 2006, was the process the same?

HOBBY: No

HOWARD: So they got a well without an issue: the state caught this one but not the other one.

LYNCH: We are not actually creating a lot we are taking an existing lot in order for Ms.

SAFFORD meet the requirements for the well and septic. So it would be a non-conforming lot as to illegal.

MULLEN: Help me understand your term that the lots were subdivided. Subdivided is the legal term in my head but yet it wasn't legally done. What are you really saying?

HOBBY: We have a parcel that was over 40 plus acre and it was divided it up into three separate parcels.

MULLEN: You arbitrarily divided it up amongst family?

HOBBY: Yes, at least one of the parcels and they all have deeds recorded. Two of the parcels are vacant and one has a permitted dwelling on it.

HOWARD: This is similar to what we did in Wetmore? If we do not take action a well permit or a zoning permit will not be available?

HOBBY: Yes

MULLEN: Do you have any input from the immediate area?

HOBBY: No, only from MR. PROCTOR and he did not have any issues with it.

MULLEN: Our acceptance is strictly to authorize the creation of the submitted undersized lot for approval?

HOBBY: Correct, do we have a motion?

MULLEN: So moved

LYNCH: Seconded

HOBBY: All in favor?

Motion passed unanimously

REASONS:

SHIELDS: I voted in favor and the state helped us out considering the well. This was done so long ago that it flew under the radar.

CANTERBURY: I voted yes for my usual reasons. The neighbors do not have any objections and that it is abundantly obvious that we need to validate the ability for her to get a permit.

MULLEN: I voted in favor. I always have some heartburn with people that own lots and decide to arbitrarily do what they want to with them and ignoring the fact that there are higher governing bodies. I am sure that there is more than one of these in the county and I think that it is a good thing to do.

HOWARD: I voted in favor because I think it is a non-conforming lot issue as opposed to something that was recently done, because of the age of the non-conformance.

LYNCH: I voted in favor, and I agree with CINDY and her comments are right on.

HOWARD: I make a motion to adjourn

LYNCH: Seconded the motion

Meeting adjourned at 2:20 P.M.