

**Joint Meeting of the Planning Commission, Board of County  
Commissioners and Board of Zoning Adjustment**

September 6, 2006  
Custer County Courthouse  
Westcliffe, Colorado

**Present:**

Planning Commission: Lynn Attebery; Pat Bailey; Vic Barnes; John Campbell  
Board of Zoning Adjustment: Gerry Dearborn; Bill Donley; Bruce McDonnall; Skip Northcross  
Associate Members: Rod Coker; Christy Veltrie  
Commissioners: Dick Downey; Dale Hoag; Kit Shy  
Staff: Jackie Hobby; Christy Kesselring; John Naylor (County Attorney)

**Absent:**

Planning Commission: Keith Hood; Sherry Rorick  
Board of Zoning Adjustment: Dorothy Nepa  
Associate: Pete Lo Presti; Greg Tabuteau

The meeting was called to order at 1:02 P.M. by LYNN ATTEBERY, Planning Commission Chair.

Attebery called for an approval of the August 2006, minutes. VIC BARNES MOVED to accept the minutes, BILL DONLEY SECONDED. The motion passed unanimously by voice vote.

**ZONING OFFICE REPORT**

- The Board of County Commissioners hired Jackie Hobby for the office vacancy. Hobby started on 8/21/06.
- The Commissioners are still awaiting feedback from the Attorney's for the Subdivision Regulations.
- The office has been busy with the end of the summer rush.

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**FRIENDS OF BECKWITH RANCH/SPECIAL USE PERMIT MODIFICATION  
PRESENTATION**

Legal Description: A PARCEL OF LAND BEING IN A PORTION OF THE SOUTHEAST  
1/4 OF SECTION 27, TOWNSHIP 21 SOUTH, RANCH 73 WEST OF  
THE 6TH P.M., CUSTER COUNTY, COLORADO

Schedule number: 100-32-870

ATTEBERY explained the Friends of Beckwith Ranch has postponed their public hearing until the December 5, 2006, Meeting. The board members decided that another site tour was not necessary.

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Rod Coker was seated on the Board of Zoning Adjustment in Nepa's absence.

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**THOMAS H. AND VIRGINIA L. SULLIVAN/OVERHEIGHT VARIANCE**

Legal Description: LOT #5 BULL DOMINGO RANCH MAP #24, CUSTER COUNTY,  
COLORADO  
Schedule Number: 100-33-755

DONLEY, MCDONNALL and NORTHCROSS read the statement which is attached.

6 Letters were sent, and two responses were recieved. One response from Gary Eastwood, President of the Bull Domingo Ranch Property Owners Association (POA) who replied the POA would continue their policy supporting the county regulation both in the covenants and by-laws and instruct property owners to contact the zonign office in regards to any regulations that are not included in the covenants and a comment that perhaps the county should pursue changing the existing height restriction. The second response was from Daniel W. Hart and Linda Proudfit who felt a 38 foot high house was inappropriate for the area.

Virginia L. Sullivan represented the application for herself and her absent husband. SULLIVAN gave a brief background of why they purchased this property. The Sullivans currently live in Southern California, have horses and enjoyed riding them in the area around their home near the Regan Presidential Library. After Regan's death, land around the library was developed with large "trophy " homes and they were no longer able to ride their horses there. They learned about Westcliffe from the internet, visited and purchased property to build their retirement home.

SULLIVAN explained that she and her husband want to build their traditional farm/ranch style home on the lot. SULLIVAN said they want to build a two story to decrease the size of the footprint because a single story structure would double the size of the footprint. SULLIVAN stated that excavating to build in a hillside is expensive. She said that they are trying to keep the expenses down so an architect had not been consulted and the plans had not been purchased from the internet until this variance was approved. SULLIVAN told the boards that she and her husband wanted to build an affordable home and not a trophy home. SULLIVAN explained that two story homes were not a fire hazard and she hopes the local fire department is as good as the fire department as where she came from.

HAROLD THOMAS explained he is a neighboring property owner who will be able to see the proposed house from his driveway. THOMAS explained the height restriction was nothing new to Bull Domingo and that most people who build have to change their plans to fit within the regulation. THOMAS stated if this variance is granted, it will set a precedence. THOMAS explained that if there were medical reasons, he could understand the variance be granted, but he did not see any valid reasons why it should be granted. THOMAS stated that the letter from Gary Eastwood was Eastwood's opinion and not the Bull Domingo Ranch Property Owners Association's opinion.

DAVID CROSS introduced himself as the Chairman of the Bull Domingo Ranch Architecture Review Committee. He confirmed the first half of the POA's letter and to avail himself of any questions about covenants.

CROSS and THOMAS welcomed Sullivan and encouraged her to find an alternative to building

the home they wanted within the regulations.

JOHN BRANDENBURG explained he was instrumental in drafting the 25ft/35ft height regulation. J BRANDENBURG said the height restriction is a way of preserving the valley as we see it. J BRANDENBURG suggested the board deny the application.

SALLY BRANDENBURG said a lot of other people had to conform to the regulation and the applicant should, as well. S. BRANDENBURG stated by conforming to the regulations, it would continue to keep Custer County special-not like where the Sullivans were from.

JOHN CAMPBELL stated he thought 8 ft ceilings were pretty livable and the applicant could make things work and there really was no need for 9 ft ceilings in a building.

BARNES asked CROSS if the covenants commented on the height regulation. CROSS said the covenants were pretty liberal and he felt that if the county granted an overheight variance, the structure would be in compliance with the covenants. THOMAS read a portion of the Bull Domingo Covenants and the height restriction is 25 ft and/or whatever the Custer County height restriction is.

NORTHCROSS stated that he was told the notification letter from the Zoning Office was discussed at the Bull Domingo POA Board and it was agreed to follow the covenants. The remaining remarks were the President's personal opinion.

The board asked SULLIVAN if she would consider a basement and if she had consulted with an architect for changes. SULLIVAN stated she would prefer not to have a basement and architects did not really want to mess with the 25-ft height restriction.

DONLEY commented John Comerford, local custom home builder, was finishing his 4000-ft<sup>2</sup> two story home that did not require a variance and met the 25ft/35ft height regulation.

MCDONNALL asked Sullivan if she had a solution to crossing the arroyo. SULLIVAN explained she was going to have a cement crossing installed like the one on Shy Circle. THOMAS interjected that 4 Mile Gulch is dry 99% of the time, but when it runs water, it is usually deep and you just wait until it is not running water before you cross.

BAILEY felt there were no issues with the regulation and the plan could be tweaked to meet the height regulation.

DEARBORN MOVED to deny the request because there are other options that can be looked into and other people have dealt with the height issue. He suggested that the applicant find an architect who would design a structure to meet the height regulation. MCDONNALL SECONDED. The motion passed unanimously by roll call vote with the following comments:

- DONLEY believes there are other ways to accomplish building the structure in compliance with the height regulation and did not see the hardship.
- NORTHCROSS did not see any hardship as defined by the Custer County Zoning Resolution or CRS 30-28-118.

- DEARBORN feels there are other options to include petitioning the Planning Commission to change the ordinance.
- MCDONNALL believes there are other ways to build that do not require a variance.
- COKER said he felt that based on the August 8 letter from the applicant saying the variance may only need to be 6-9 feet and by lowering the ceilings, a variance may not be needed and the applicant needed to look at other options to come under the rules.

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ATTEBERY reminded the boards that the next Site Tour will be on September 28, 2006 and the meeting would be on October 3, 2006.

ATTEBERY requested to adjourn the meeting. DONLEY MOVED to adjourn the Meeting, BAILEY SECONDED. The motion passed unanimously by voice vote. The meeting adjourned at 1:50 P.M.

Submitted by,

Christy Kesselring  
Secretary