

Joint Meeting of the Planning Commission and Board of County Commissioners

October 7, 2008
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Lynn Attebery, Pat Bailey, Rod Coker
Bill Donley, Vic Barnes and Sherry Rorick
Associate Members: Kenneth Patterson
County Commissioners: Kit Shy, Dick Downey and Carole Custer
Absent: Keith Hood, Paul Buckles, Roger Camper, Dee Hoag
County Attorney: John Naylor
Staff: Jackie Hobby

The meeting was called to order at 2:30 P.M. by PAT BAILEY. Planning Commission Chair.

Pledge;

PATTERSON: replaced KEITH HOOD

BAILEY called for approval of the August 5, 2008 minutes.

ATTEBERY: Made a motion to accept the minutes.

DONLEY: SECONDED. The motion passed unanimously by voice vote.

ZONING OFFICE REPORT

- September 2008 we had 18 septic inspections, 6 special conferences, 15 compliance inspections and 2 septic contractors test.
- September 2008 the Planning and Zoning Office received \$95,474.10 in revenue compared to \$123,042.28 in 2007.

BAILEY announced the first agenda item

LAWRENCE M. AND GLADYS A. BROLL TRUST / TIM BROLL SPECIAL USE PERMIT

Legal Description: Lot 11 Wakefield Hills

Schedule number: 101-59-762

PAT BAILEY: *read the applicant's statement:* " We would like to build an 80'x120' pole building. To be used for our internet based business, dealing in the rebuilding of engine computers. We will have no customer traffic only daily UPS shipping and drop offs and pick-ups.

BAILEY: Were adjoining land owners notified?

JACKIE HOBBY: Yes, 7 with two responses one against and one in favor.

TIM BROLL represented the application. What we are proposing to do is build a 80'x120' pole barn on our property to do our internet business. It will be sided in tan metal with a green roof.

DONLEY; Did you contact Division II about your water?

BROLL: No, JACKIE from the Zoning Office said that she had a reply and I did not need to contact them.

DONLEY: On the Division II water report you have three options.

Broll: Yes, I am planning on hauling the water to the building. There will only be a ½ bath and I will provide drinking water for the employees.

BARNES: How many employees will you have?

BROLL: Five (5) fulltime and two (2) part time.

BARNES: The only traffic will be your employees and UPS?

BROLL; Yes, maybe one customer a month.

ATTEBERY: How tall is the building?

BROLL: It will have approximately 16' side walls and Custer County has a building height of 25" so it will not be over the regulations.

CUSTER: How come you do not want to be in one of the commercial areas in town?

BROLL: The main reason is the expense and I would like to be able to go for rides on my horses and use my cell phone to conduct business while I am riding. This is what I consider the American dream.

BAILEY: Where is your dwelling and septic location?

BROLL: The dwelling will be located northwest where the trees are so that you cannot see our home from the building.

BAILEY: Will you still build the building if you are not approved for the Special Use Permit.

BROLL: Yes, I will use it for a machine shop

DONLEY: Have you made any arrangements with anyone to haul water and do you have a long term contract with them?

Broll: No

BAILEY: You will need to have a contract to have your water hauled if that is what you intend to do before you come to the next meeting.

DONLEY: This is a computer based business?

BROLL: I have two (2) semi-trucks and I use them for the test trucks. When your circuit pack that operates everything on your truck goes out you send it to my company. I rebuild it and install it in one of my trucks and see if it works properly. Then I ship it back to the customer.

SHY: Do you use any chemicals?

BROLL: The only thing we use is soldering flux.

ATTEBERY: Do you have your semi-trucks licensed?

BROLL: No, I don't believe I have to license them; they never are on the roads. If I have to, I will get them licensed.

BARNES: Why is your building so large?

BROLL: We store the test semi- trucks inside.

BAILEY: Are there any other questions from the board? Mr. BROLL you will need to have a contract for your hauling water before you come back on November 18, 2008.

BAILEY announced the second agenda item

Arthur H. McCoy Revocable Living Trust / SPECIAL USE PERMIT

Legal Description: County Road 125

Schedule number: 101-48-751

PAT BAILEY: *read the applicant's statement:* "The trust is interested in subdividing from the whole parcel 6.84 acres described on the attached surveyors plat as a cemetery.

BAILEY: After speaking with the County Attorney it has been decided that the applicant needed to apply for a Special Use Permit and not a Subdivision Waiver.

NAYLOR: This will need to be a Special Use Permit because it is not one of our uses that are allowed by right.

BAILEY: Were adjoining land owners notified?

JACKIE HOBBY: Yes, 13 with no responses.

PETER MICHAELSON: represented the application. The MCCOY'S desire to keep this as a family cemetery and to maintain this part of the ranch as a final resting place for their family.

DONLEY: Have arrangements been made about the water on the property?

Could this be fenced in a way that the cattle could still get water?

MICHAELSON: The boundary line takes in all the water and we do understand that the water is a valuable asset.

SHY: On a historical point of view I would like to see if this does get approved that you would provide a cemetery deed and have it recorded. Many times people are looking for graves and can not locate them.

BARNES: Would this be an official cemetery?

MICHAELSON: No, this would be a private family cemetery, the family has instructed me that you could put any restriction that you deemed necessary.

BAILEY: Doesn't that creek have a lot of flooding during the spring time?

MICHAELSON: We would be willing to have everything buried in a cement casing.

BAILEY: Any questions from the board? Mr. MICHAELSON, we will see you November 18, 2008

BAILEY announced the third agenda item

MAX AND GLENYS CHARTRAND / PLAT, RE-PLAT VACATION OF INTERIOR LOT LINE

Legal Description: Lot 9A, Block 16 Willow Creek Camp, San Isabel CO
Schedule number: 102-11-102

PAT BAILEY: read the applicant's statement:" Per the attached plat, we are requesting a lot line vacation under the undersized lot variance regulation so that all of our structures meet offset rules, plus to prevent soil erosion and to better control snowmelt run-off from Highway 165. Neighbor Michael Eakes has deeded a small 1055 sf sliver of land as shown on the attached for this purpose. In addition, we would like to purchase lot #8 in the amount of \$900 from Custer County as we did Lot #9 last fall so that we can safely enter and exit the driveway. When driveway was put in it was measured from what was thought to be a corner marker from the state Highway side of the property only to find out it was about 6' off. Currently there is cement retaining walls shown on the plat to hold together the root system of two tall pine trees and to keep the 8' driveway issue while affording safe movement into the garage. Thank you for your kind consideration of this request.

BAILEY: Were adjoining land owners notified?

JACKIE HOBBY: Yes, 1 with no response.

ZANE CHARTRAND: represented the application. My brother purchased a sliver of property to bring the rest of his property into compliance with Custer County.

BAILEY: The Planning Commission did not go on the site tour; SKIP

NORTHCROSS went could you please give us a report.

SKIP NORTHCROSS: On September 25, 2008 four member of the BZA combined the CHARTRANDS'S house with a tour we had in the same area. Members of the BZA present, beside me, were GERRY DEARBORN, DAVE TONSING and Associate member KEN PATTERSON. Mr. ZANE CHARTRAND conducted the tour. Dimensions as shown appear correct with the "pie shape" addition on the North side. The dimension from the post of the staircase being 9'8" instead of the required 10'.

CHARTRAND: My brother MAX CHARTRAND has purchased a little piece and will now be in compliance there should be a new deed that reflects this.

HOBBY: At this time I do not have a deed that reflects this.

DONLEY: You are requesting a Plat and Re-plat and a vacation on the interior lot line?

CHARTRAND: Yes

DONLEY: Made a motion to recommend the Board of County Commissioners to approve the lot line vacate along with a plat and re-plat.

ATTEBERY: SECONDED the motion.

The motion passed unanimously by roll call.

REASONS:

RORICK: Yes, very glad that Mr. Chartrand can bring this into compliance.

COKER: Yes, this will bring everything into compliance.

PATTERSON: Yes, this will clean up the situation.

ATTEBERY: Yes, this will clean up the problem and bring it into compliance

BAILEY: Yes, for all the same reasons.

COMMISSIONER SHY; I accept the recommendation of the Planning Commission with the following documentation, an up to date Title Commitment on the entire parcel to be created. New Vacation/Replat properly executed by owners of record. The plat must have a recording section. Plat must show the structures and there dimensional relationship to the lot boundaries. Two paper copies and one signed mylar.

COMMISSIONER CUSTER: SECONDED the motion.

Variance was approved unanimously.

BAILEY announced the fourth agenda item

M&C SMITH FAMILY TRUST / WAIVER OF SUBDIVISION REGULATIONS

Legal Description: E1/2NW1/4 and W1/2 NE1/2NE1/4 of Section 34, in
Township 22 South, Range 73 West of the 6th P.M.

Schedule number: 100-48-352

PAT BAILEY: read the applicant's statement:" This property is on Willow Lane in Zone 1 Because of historic survey defects, this quarter section is irregular consisting of approximately 157 acre property. The configuration of the two parcels is not critical, although applicant would prefer to create one parcel of 80 acres and one parcel of 77 acres, as contemplated by Zoning Resolution sec 7.2 which says." The minimum lot size may be adjusted where fairness requires compensating for these irregular Sections. "Granting this approval would be fair in that it addresses a historic survey fluke without having any negative impact on the requirements of Zone I.

BAILEY: Were adjoining land owners notified?

JACKIE HOBBY: Yes, 6 with no responses.

MIKE SMITH: represented the application. I am very fortunate to be able to live out west and I purchased this quarter section and after the survey was done I was short 3 acres. I would like to have a subdivision variance I am doing this for financial reasons. I am not intending on selling the property, I am thinking about putting it into a conservation easement.

BAILEY: Are there any questions from the audience?

JOHN BRANDENBURG: I am his neighbor to the south. All I want to say is that I have no objection to this variance.

LOCKETT PITMAN: My concern is down the road, if you allow this it will set a precedent.

BARNES: Made a motion to recommend to the Board of County Commissioners to approve a lot of 80 acres and a lot of 77 acres.

RORICK: Seconded the motion.

The motion passed unanimously by roll call

REASONS:

BARNES: Yes, this was discussed when we did the Zoning Regulations section 7.2

RORICK: Yes, this is a historical error that has been going on for a hundred years.

ATTEBERY: Yes, this is in our Zoning Regulations.

PATTERSON: Yes, same reasons.

COKER: Yes, same reasons.

BAILEY: Yes, for the same reasons. This has been going on for a hundred years.

COMMISSIONER DOWNEY: I accept the recommendation of the Planning Commission.

COMMISSIONER CUSTER: Seconded the motion.

Variance was approved unanimously.

ATTEBERY: made a motion to adjourn

COKER: Seconded the motion

Meeting adjourned at 4:30 P.M.