

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

May 7, 2003
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery Mr. Pat Bailey Mr. Vic Barnes Mr. John Campbell
Mr. Keith Hood Ms. Sherry Rorick

Board of Zoning Adjustment:

Mr. Rob Canterbury Mr. Bill Donley Mr. Skip Northcross

Associate Members:

Mr. David Bartholomew Mr. Gerard Dearborn

County Commissioners and Attorney:

Mr. Dick Downey Mr. Larry Handy Mr. Dale Hoag Mr. John Naylor

Staff:

Mr. Linc Lippincott Mr. Dan Bubis Ms. Christy Kesselring

Absent:

Mr. David Harmon Ms. Renee Bolkema Mr. Pete LoPresti Mr. Ron Lovellette
Ms. Dorothy Nepa

The meeting was called to order at 1:01 P.M. by LINC LIPPINCOTT, Moderator.

BARTHOLOMEW and DEARBORN filled the Board of Zoning Adjustment seats left vacant by the absence of LOPRESTI and NEPA.

LIPPINCOTT called for approval of the March 2003 minutes. BAILEY MOVED and BARNES SECONDED. The motion passed unanimously.

ZONING OFFICE REPORT

- 1-I.S.D.S. Variance for a Chemical/Portable Toilet was granted to Barber.

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Office Summary

April 2003

10	Septic inspections, Site reviews, or Violation reviews
3	Violation reviews
0	Homeowner Septic installation test
0	Septic Contractor test
14	Special conferences
8	Compliance Inspections

Permits issued:	<u>2002</u>	<u>2003</u>
Septic	24	6
Zoning	46	21

- Office staff attended a conference on the International Building Code in Pueblo. A discussion on the pros and cons will be scheduled for a later date.
- Seibel's Bed and Breakfast Special Use Permit has received its annual review and was found to be in compliance with the terms and conditions.
- The compilation of the revised Subdivision Regulations has been completed and is ready for another review. The next meeting to review the Subdivision Regulations is May 15th from 10 until 12. The office will provide lunch.

LIPPINCOTT turned the meeting over to the Board of Zoning Adjustment to take action on the Schultz request.

STEVEN M & PATRICIA B SCHULTZ/SETBACK VARIANCE

Property description: TRACT IN THE NE4 SEC 1 24 73 AKA KELLING TRACTS, TRACT 26

Schedule number: 100-71-450

Schultz was present to explain his request. Schultz explained that he would like to build a summer cabin but the lot is narrow and requires a variance in order to build anything. He stated that he would haul water because the cabin would not be used often enough to warrant drilling a well. NORTH CROSS MOVED TO APPROVE this request of a Setback Variance, due to the narrowness of the lot, with the following conditions: 1) The structure is to be no closer than 30 feet to either the west or east boundary line. 2) A 30 foot defensible perimeter is required around the building. 3) If the house ever becomes a permanent dwelling, a well will be required. CANTERBURY SECONDED and the motion passed unanimously.

DAVID & KIMBERLI D WILDENSTEIN / WILLIAM A. DODDER / SPECIAL USE PERMIT

Property description: TRACT OF LAND IN S2NE4 IN SEC 3-22-70 Described in BK 353 PG 331, AKA 16165 HWY 96.

Schedule number: 100-16-702

Wildenstein was present but had Joe Gagliano do the presentation and answer questions from the Boards.

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Gagliano explained that the CDOT permit was in place, a 250 foot buffer to the north property line was in place to protect BLM interests, the applicant will obtain the MLRB permit if this application is approved, a slope of 3 to 1 or flatter would be left in order for reclamation, the crushing would take place only 4 or 5 weeks a year, and the only equipment that would be on-site would be a loader and a dump truck except during crushing operations. In response to a question, Gagliano replied that blasting would not occur. While many issues were mentioned by the members of the audience and the Boards, the emphasis revolved around the access and the safety concerns.

BAILEY MOVED to recommend to the Board of County Commissioners, that they deny this request because the increased traffic would pose a significant safety issue. RORICK SECONDED the motion and the motion passed unanimously. DOWNEY preceded his motion with a comment, “ We understand that CDOT has issued a permit for this facility, but certain concerns still exist as stated by concerned citizens ... concerns due to the speed of the traffic, distances for visibility, the percent of grade and the traffic flow.”. Because of these reasons DOWNEY MOVED to accept the recommendation of the Planning Commission to DENY the Special Use Permit for a gravel pit. HANDY SECONDED and the motion passed unanimously.

BECKWITH MOUNTAIN RANCH / ROB CANTERBURY / SPECIAL USE PERMIT

Property description: A PARCEL OF LAND LOCATED IN T21S R73W SEC 27: THAT PART W2NW4 & SE4NW4 E OF HWY 69 LESS TRACT DESCRIBED IN BK 90 PG 566. AKA 64159 HIGHWAY 69 NORTH

Schedule number:100-32-901/905

Canterbury explained that he would like a Special Use Permit for a sales office for 3 years to allow the project to be completed. CAMPBELL MOVED to recommend that the Board of County Commissioners APPROVE this request for 3 years, provided that the State extends the access permit, with the following conditions:

1. This Special Use Permit will be reviewed on a written complaint basis.
2. Maintenance of current septic system.
3. If required by the State of Colorado, commercial water.
4. Commercial Access as required by the Colorado Department of Transportation
5. Signage which meets both Custer County and Colorado Department of Transportation requirements.
6. The owner and/or applicant will notify the Planning and Zoning Office within thirty (30) days, if operations are abandoned, or if there is a change in operations.
7. All applicable State and Federal regulations will be met.

BARNES SECONDED and the motion passed unanimously. HANDY MOVED to accept the recommendation of the Planning Commission to APPROVE the Special Use Permit for a sales office with the conditions specified. DOWNEY SECONDED and the motion passed unanimously.

A LINWOOD BOWN and VICKY BOWN / VACATION and REPLAT

Property Description: Wonder Trail Addition, Block 6, Lots 4,5,7,9; Wonder Trail Addition, Block 7, Lots 1, 3,4,5,7,8,9,10; San isabel City, Block 12 Lots 226-247 and affected roadways including part of Wonder Trail

Schedule number: 100-69-904/100-69-907/101-46-504/101-50-500/101-75-050/101-91-850/102-11-008/102-11-058/102-18-100/100-26-400

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Bown was present to explain that he would like to reconfigure the lots he owns and reduce them to 10 lots instead of the 35 originally platted. Donley said that if he vacated any of the original plat, he would become subject to the Subdivision Regulations and the requirement of the Zoning Resolution for lots to be 10 acres. After some discussion, it was agreed that the nomenclature in the title needed to be changed to reflect that the lots would be reconfigured and the interior lot lines would be vacated. Bown explained that he had reached an agreement to buy the piece owned by the Johnsons. BARNES MOVED to recommend that the Board of County Commissioners APPROVE an amended plat that reflected the purchase and was re-titled Vacation of Interior Lot Lines and Lot Line Reconfiguration or Lot line Rearrangements and Vacations. BAILEY SECONDED and the motion passed with BAILEY, BARNES, CAMPBELL and RORICK voting IN FAVOR, ATTEBERY voting OPPOSED and HOOD ABSTAINING. Don Nelson questioned access to his parcels and was informed on easements. HANDY MOVED to reject the recommendation of the Planning Commission and require a cleaner submission from the applicant and continue this until that time. The decision will be made at a regularly scheduled Commissioner meeting. DOWNEY SECONDED and the motion passed unanimously.

The next Site Tour is May 29, 2003.

The next meeting will be in June 3, 2003.

The meeting adjourned at 2:55 P.M.

Submitted by,

Daniel S. Bubis
Secretary