

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

May 5, 2004  
Custer County Courthouse  
Westcliffe, Colorado

Present:

Planning Commission:

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

Board of Zoning Adjustment:

Mr. Bill Donley	Mr. Skip Northcross
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Associate Members:

Mr. Rod Coker

County Commissioners and Attorney:

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

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

Ms. Renee Bolkema	Mr. Gerard Dearborn	Mr. Pete LoPresti	Mr. Bruce McDonnall
Ms. Dorothy Nepa	Ms. Georgiana Scott		

The meeting was called to order at 1:03 P.M. by LINC LIPPINCOTT, Moderator. COKER recused himself from the hearing on the Zarra request. BAILEY, CAMPBELL and HOOD filled the Board of Zoning Adjustment seats left empty by the absence of DEARBORN, LOPRESTI and NEPA. LIPPINCOTT called for approval of the March 2004 minutes. BARNES MOVED and BAILEY SECONDED. The motion passed unanimously.

ZONING OFFICE REPORT

March 2004

19	Septic inspections, Site reviews
1	Violation reviews
0	Homeowner Septic installation test
0	Septic Contractor test
21	Special conferences
6	Compliance Inspections

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Permits issued:	<u>2003</u>	<u>2004</u>
Septic	8	7
Zoning	12	24

April 2004

7	Septic inspections, Site reviews
0	Violation reviews
0	Homeowner Septic installation test
0	Septic Contractor test
13	Special conferences
5	Compliance Inspections

Permits issued:	<u>2003</u>	<u>2004</u>
Septic	6	13
Zoning	22	27

**End of Quarter Summary**

Revenue:	<u>2003</u>	<u>2004</u>
Septic Permits	\$ 5,375.00	\$ 5,300.00
Zoning Permits	\$ 52,859.85	\$ 46,372.90
Use Tax	\$ 21,714.89	\$ 23,633.15
Total Income	\$ 78,658.84	\$ 65,163.36

Permits issued:	<u>2003</u>	<u>2004</u>
Septic	55	40
Zoning	28	20

1 I.S.D.S. variance was issued for a Portable/Chemical Toilet to: Morrison

- The office is working on the application to become a FEMA participating county. This will allow homeowners to get flood insurance.
- The final Drought and Water Supply Assessment report from the Colorado Water Conservation Board is available for viewing in the office.
- The annual fire inspection was performed at Saint Andrews Golf Course. Except for additional fire extinguishers being needed, the facility is in compliance.

LIPPINCOTT turned the meeting over to the Planning Commission and Board of Zoning Adjustment.

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CUERNO VERDE AIRPORT ASSOCIATES, INC. / WRAY PEDRO / PLANNED UNIT DEVELOPMENT  
- WATER DECREE UPDATE

Property description: A PARCEL OF LAND IN SECTION 25, T 23S R 72W and in SECTION 30, T 23S, R 71W.

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Schedule number: 102-35-995/102-35-996

Pedro explained that the water decree wasn't finalized for this meeting as he had hoped. Mediation took place about 6 weeks ago and the final document was supposed to be before the judge this past Monday but now won't be before the judge until Friday. All parties have reached verbal agreement.

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RONALD E AND VIRGINIA D ZARRA / SETBACK VARIANCE

Property description: Juniper Hills, Lot 10A - 92 Little Horn Road

Schedule number: 102-01-102

Zarra was present to represent himself and explain his request to the Boards. He explained that he would like to build a garage 15 feet from the west property line. There is a deed restriction that bars him from building any structures east of the creek that is on the property and he would like to keep the area south of his house open.

The variance that had been granted to the previous owner was granted with the knowledge that the Zoning Resolution was being changed in order to allow building on smaller lots without variances being required for each one.

Zarra said that his topographic concerns were the shape of the lot and the creek. If he placed the garage in back (south) of the house he would come close to the creek and the shape wasn't conducive to building back there. He also stated that the area behind the house was a meadow that was used by the adjoining lot owners as a common area. When asked if it was a deeded common area, he responded in the negative.

Northcross questioned the size of the garage and explained that a more traditional size structure would allow Zarra to reposition the structure without needing the variance. He also questioned whether the hardship conditions were satisfied. The consensus was that there were options that would allow Zarra to build a garage without a variance.

Because the requirements to grant a variance based on hardship weren't met: HOOD MOVED to DENY the setback request. CAMPBELL SECONDED and the motion to DENY passed unanimously by role call vote of the Board of Zoning Adjustment.

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CLINT AND TONI VIERGUTZ / DEWEY D AND BEVERLY E. GREGORY /VACATE AND REPLAT

Property description: Viergutz: ROSITA HILLS, SUB 2, LOT 152; 2103 Keepsake Loop  
Gregory: ROSITA HILLS, SUB 2, LOTS 122 AND 123; 2139 Keepsake Loop

Schedule number: Viergutz: 100-30-203  
Gregory: 102-25-050

Viergutz was present to speak on his own behalf and Bruce Lind was present to represent Gregory. Viergutz explained that both parties would like to split the lot between them into two pieces and incorporate one piece into their respective lots. This would reduce the density by one, would reduce the number of well permits by one, and would allow Viergutz to improve his driveway for emergency access. A new 20 foot utility easement would be created on each side of the new property line.

Because this request is in keeping with the Boards' objectives of reducing density and because the request is sensible, BARNES MOVED to recommend that the Board of County Commissioners APPROVE

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the request. Barnes further commended the property owners for coming together to improve their situation. BAILEY SECONDED and the motion passed unanimously by role call vote.

DOWNEY MOVED to ACCEPT the recommendation of the Planning Commission to approve the Vacation and Replat request. HANDY SECONDED and the motion passed unanimously.

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SHADOW RIDGE SUBDIVISION / BRIEFING BY DON STUART

Westcliffe Town Administrator, Don Stuart briefed the Boards on the new subdivision that is being requested in the town. Stuart explained that since land was annexed into the town, he felt that the County Boards should be informed on how the land was going to be used.

He explained that the principals are: Kent Beech, Jerry Seifert, Greg Veltrie and Ralph Hey. There will be 109 lots, 5 or 6 commercial. Each lot will be larger than 4/10ths of an acre. There will be two accesses, curbs and gutters will be installed and the roads paved. Round Mountain will provide water and sewer and the electrical lines will be underground.

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Subdivision Regulations will be reviewed on May 13<sup>th</sup> and May 27<sup>th</sup> from 10 until 12.

The next Site Tour is May 27, 2004.

The next meeting will be in June 2, 2004.

The meeting adjourned at 2:15 P.M.

Submitted by,

Dan Bubis  
Secretary