



Town of Minturn, Planning and Zoning Commission

10/25/06 Wednesday, 2006 7:00pm

Minturn Town Center, 302 Pine Street, Minturn, CO 81645

1. Call to Order

Chairman Woody Woodruff called the meeting to order at 7:07pm. Roll call showed the following members present: Lynn Teach, Ernie Glesner, and Woody Woodruff. *(Note: Co-Chair Kristie Bloodworth and Jim Brinkerhoff were absent and excused)*

Staff present included Town Planner Wiley Smith, Planner I Derrick Slocum and Public Works/Planning Department Assistant Torrey Maxwell.

2. Discussion of the Agenda

- a. Items to be pulled from Action Calendar - *None*
- b. Items to be pulled from the Discussion Calendar - *None*
- c. Items to be pulled from the Consent Calendar - *None*
- d. Emergency Items to be added - *None*
- e. Order of the Agenda Items – *As presented*
- f. Approval of the agenda

Motion by E. Glesner, second by L. Teach to **approve** the agenda as presented; **Motion passed 3-0** *(Note: Co-Chair Kristie Bloodworth and Jim Brinkerhoff were absent and excused)*

3. Approval of Minutes – Minutes from October 13, 2006

Motion by L. Teach, second by E. Glesner to **approve** the minutes of October 13, 2006 as presented; **Motion passed 3-0** *(Note: Co-Chair Kristie Bloodworth and Jim Brinkerhoff were absent and excused)*

New Business

W. Smith introduced Mike Gallagher's request this evening to rebuild his legal non-conforming garage which is into the 5' side setback. The planning department has reviewed this with Mr. Gallagher and has found that it can be done without requesting a variance from the commission. A legal non-conforming use can be rebuilt if it was occupied or in use before the damage caused by a Natural Disaster. It would need to come before the Design Review Board (DRB) to be approved. W. Smith noted that there are no plans available at this time as it was a last minute agenda item. Mr. Gallagher is requesting approval so he can get the work done before the snow flies. W. Smith (staff) is recommending approval for this with two conditions:

1. Get an easement from his next door neighbor regarding snow load that will fall off of Mr. Gallagher's roof and onto his neighbor's property, and
2. Mr. Gallagher will provide the building plans to our building inspector for permitting process and review.

W. Smith added that the contractor said that the garage is structurally unsound so he not only has to replace the roof but also the sides of the garage. W. Smith has spoke with the Town Building Inspector who agrees with the contractor and wants to work with Mr. Gallagher to make sure it is built right, according to building code. That is a separate issue from the land use issue though that is in front of you now.

Mike Gallagher, 475 Pine Street, Minturn, CO

E. Glesner inquired of Mr. Gallagher if the garage was in use when the damage occurred; Mr. Gallagher responded that it was being used for storage but not for a vehicle.

E. Glenser inquired of Mr. Gallagher when the damage occurred; Mr. Gallagher responded that the snow fell from his upper roof after a real hard snow onto what was already built up on the garage roof. The garage roof was 2x4 on 24.

W. Woodruff inquired of Mr. Gallagher what he will be replacing it with; 2x10 on 16.

E. Glesner inquired of Mr. Gallagher if the footprint will be the same; Mr. Gallagher responded that it will be smaller. The 2x4 (salvaged from Pando water tank) wood bricks which are stacked on dirt so what he wants to do is move that several inches in towards the garage to get it up onto the concrete slab that had been poured later.

W. Woodruff inquired of Mr. Gallagher is he would be pouring a footer; Mr. Gallagher responded no, he can not afford to do that.

W. Woodruff inquired of Mr. Gallagher how much concrete is there to set this wall on; Mr. Gallagher asked if he meant depth (yes) he does not know the depth of the concrete.

W. Woodruff noted that will be an issue for the inspector. He inquired if Mr. Gallagher will be using trusses and carrying the load to the outside; Mr. Gallagher showed the commission that it slopes to the back of the property. It is a shed roof straight to the back of the property and Mr. Gallagher's neighbor's garage slopes into Mr. Gallagher's back yard. When they shovel off the garage roof, it is higher than the garage roof so they are shoveling up and onto that pile of snow. What they want to do, with approval, is change the slope into the neighbor's driveway which is necessitating the agreement (signed copy in commission's packet).

W. Woodruff questioned if the garage attaches to his house; Mr. Gallagher responded yes it does and it will slope in one direction away from Mr. Gallagher's house.

W. Woodruff inquired if Mr. Gallagher would be using the same wall, the 2x4 wood brick wall; Mr. Gallagher responded no because it is rotten at the bottom, it is.....

W. Woodruff interrupted Mr. Gallagher stating you are going to demo that; Mr. Gallagher responded right.

W. Woodruff stated that his concern would be that you now have a solid roof and a solid wall but you are sitting on...; Mr. Gallagher interjected that the wall is not a bearing wall, it is non-bearing.

W. Woodruff questioned where is it bearing; Mr. Gallagher responded that the engineer stated to "make holes, pour in concrete . . . post and beam across there.

Mr. Gallagher discussed the colors he has chosen and the siding. He is replacing the existing siding with Hardiplank, a concrete composite siding.

E. Glesner inquired what the agreement is for; Mr. Gallagher noted that it is an agreement that his snow can dump into his neighbor's driveway.

General discussion ensued on snow fence, tapping, etc.

Motion by E. Glesner, second by L. Teach to approve the application for the legal nonconforming garage at 475 Pine Street to be rebuilt with two conditions; easement agreement from his next door neighbor (which has been done) and building plans are to be submitted to the building inspector and building department for approval; Motion passed 3-0 (*Note: Co-Chair Kristie Bloodworth and Jim Brinkerhoff were absent and excused*)

Old Business: Building Height Discussion

W. Woodruff summarized that the committee has been working on "determining where to measure from" to determine building height for new construction.

W. Smith noted that they incorporated a diagram that they did not have before; figure 3.

W. Woodruff inquired where the 15' set back came from; W. Smith stated from Sausalito. They state that the secondary building should be 15' from the front if there is a garage or structure. It should not be the same wall plate as the house, it should be stepped back 15'.

W. Woodruff said he believes 15' is a lot.

E. Glesner added that on a steep slope you might not get it, you might dirt out before you get your next step.

W. Woodruff said in regards to decks that you really don't have anything if you don't have at least eight feet. He would like to see eight feet instead of fifteen. You want to avoid people coming back and asking for a variance.

E. Glesner stated that if you figure (page 2 all height measurements along the grade must not exceed height standard) taking existing grade to 28' that will automatically, you wouldn't have to set a step back number, it will automatically make you step back before you get to the dirt. Just follow the natural grade.

D. Slocum added that the slope determines the step back.

W. Smith noted that he included that discussion in with the report because it was talked about last time. Use Tommy's house as an example, saying this goes straight up, how can we reduce that impact, that primary wall plate. If you look at figure 3 "any slope greater than 10 degree slope computed upward from parcel line the maximum height from the minimum front set back to the primary wall plate will be increased one foot for every four foot of height". Starting at the front set back line and the house goes straight up, to reduce the impact of that you would set back the house 1 ft for every 4ft height.

W. Woodruff responded that he does not like that due to small lots in Minturn. While the prices go up for lots in Minturn he doesn't like forcing them back because they are on a slope.

W. Smith questioned what the bottom line is if you want to reduce the impact of what Tommy's house looks like, how do you do that?

General discussion ensued on residential height in a commercial zone.

W. Woodruff said if you interpret the code the way it is now and you measured from the back of the house and then brought it out, then you would be much more in front of the house.

W. Smith summarized that the commission is pleased with the diagram where it follows the grade from the front to the rear.

E. Glesner said it might be the easiest and less restrictive of the options.

Mr. Gallagher spoke measuring alongside the house, average slope as your starting point of a certain segment. You can go up four or five feet for the living room, and then you go up again for the bedrooms which is reminiscent of mining structures. The face plate is that up to the commission to say they want it changed. What makes it consistent would be the DRB saying that paint is good, not good; siding is good, not good, face plate is good, face plate is not good, etc.

E. Glesner said when you get into the building specs like that it is different then siding or color of paint.

Mr. Gallagher said that when Dr. Warren 's place was going to be flat and the town came back and said why don't you try set back about two feet, etc. It has nothing to do with height. It is just looking at that wall as a flat surface and just stepping it back

D. Slocum added that during Design Review you have the ability to do that, it has been done with duplexes here before. Knutson was flat, the original plan, but when they came in front of the commission Rob Davis mentioned set off from each other.

W. Smith said that in the code, when you have a duplex, you need to do something to create some interest, it can't be mirrored, it is in the code. You can say what the color, texture, siding, is but when it comes to regulating a structure it is different, it is more subjective. It could come under arbitrary and caprices.

E. Glesner stated he agreed, it would be everybody's opinion instead of using the code to determine, which is what we are suppose to follow. We can always suggest but we can't enforce unless it is in the code.

Mr. Gallagher said if the DRB standards could be modified to include limited architectural design review you could have some discretion.

W. Smith Appendix B notes that vast expanses of a blank façade are not considered appropriate due to the mass and scale of the existing buildings in town; therefore facades should be interrupted every fifteen feet at minimum. This interruption can occur through projections or recessions for doors, windows, etc that creates visual interest. Horizontal or vertical architectural details can be utilized to create a scale to the structure. There is also a check list that the DRB uses at building elevation, architectural detail including window and door detail, landscaping, parking, site plan which is pretty limited to what the DRB can look at. It would be up to the commission if you wanted to make a recommendation.

W. Woodruff lets leave it and let the code carry us.

W. Woodruff and E. Glesner both agreed that it is ready to take to the Council.

E. Glesner questioned if the code should read existing grade or final grade. It will have to be the final grade because you will be cutting into the hill around the house.

General discussion ensued on using average slope, side to side.

W. Smith so the average height, calculating side to side, the average height from that low and high point of that slope from side to side, you still need to reach that maximum height of 28'

E. Glesner at that point, right.

W. Woodruff added (pointing to a drawing) would really follow the average in the center of the house; it wouldn't be the grade on the side. It would be average grade at the center of the house from front to back.

W. Smith said that he will present this to the town council work session next week and then bring it back in front of the commission from there.

ADJOURNMENT

W. Woodruff adjourned the meeting around 8:30pm as there was no further business.

Chairman, Woody Woodruff

ATTEST:

Town Clerk, Jay Brunvand