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Town Council
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MR. BILL BURNETT

Town of Minturn
Planning and Zoning Commission Minutes
Wednesday, January 11, 2006

Meeting Minutes

Date: Wednesday January 11, 2006

REGULAR MEETING (7:00)

Minturn Town Center – 302 Pine Street

Call To Order/Roll Call

Chairman Bill Sisk called the meeting to order at 7:10 p.m.

Those present included Chairman Bill Sisk, Karen Briggs, Kristi Boulle, and Robert Martinez. Rob Davis arrived 7:15pm.

Staff present included Town Planner Wiley Smith, Planner I Derrick Slocum, and Court Clerk/Office Technician, Torrey Maxwell

Approval of Minutes – Minutes from November 9th, 2005

Motion by R. Martinez, second by K Briggs to approve the minutes as presented; all voted in favor.

December 14th minutes cannot be approved at this time due to member not present.

Approval of Agenda Items

Motion by K. Boulle, second by R. Martinez, to approve the agenda as presented; all voted in favor.

ACTION ITEM #1 Variance Approval

Applicant: Bill Burnett, Property Owner

Representative: Dan Ritsch (Creekside Mountain Properties, Inc.)

Address of Property: 80 Toledo Avenue

Zoning: Old Town Character Area in a Commercial Zone

Proposal: The applicant is requesting a variance at 80 Toledo Avenue Lot 7-10.

Summary:

The applicant is requesting a variance at 80 Toledo Avenue Lot 7-10. The lot is approximately 7,400 square foot. The variance is for a storage shed to be rebuilt within the 20' commercial setback requirement from the property line at this location. Mr. Daniel Ritsch of Creekside Mountain Properties, owner and developer of The Molly G Building currently being built at 67 Nelson Avenue, has requested this variance so that he may rebuild Mr. Burnett's shed.

Discussion:

The applicant has submitted the required documentation for a Variance Application as stated in the Town of Minturn Zoning Regulations. The application is complete and is found to comply with the guidelines, codes and other regulations of the Town.

Recommendation:

The Planning and Zoning Commission grant a recommendation of **Approval** to the Town Council for a Variance.

Derrick S. - The original shed was built before property was subdivided and subsequently became nonconforming use when the subdivision and zoning was approved. It was discovered during the construction and excavation for the Molly G building that the storage shed was becoming structurally unsound. So as a good neighbor and developer he agreed to replace the original shed with a new shed. The developer proposes to rebuild the shed in the previous location since the shed is located on the property line and there are no other available spaces on that lot, a hardship variance is requested for placement of the shed within the 20 ft setback requirement for the accessory structure in a commercially zoned area. Derrick S stated: "If you were to rebuild the shed conforming to the 20 ft setback, the accessory structure would be placed within the existing residential house". Staff recommends that the variance be approved with the condition that the owner of the Molly G building, which has agreed to rebuild the structure, follows the current building codes.

Mr. Daniel Ritsch – 268 Cedar Drive, Gypsum, Colorado. Mr. Ritsch stated, "Prior to construction, we determined the type of soil that we had. We dug two test pits to determine soil. Plus, we had to test to determine ground water and found no issues with excavation". Mr. Ritsch further stated, "During construction we hit quite a few areas where there was, more or less trash, hundred-year-old trash from the Town of Minturn on site, which was unexpected. Because of that we had to do what is called ground pinning and tie back some of those walls and Mr. Burnett's area is one where there was a little more of that sloughing than what was typical of the other parts. Prior to digging, Mr. Burnett, who is just a dear man, literally cut his shed in half to pull it away from the property line, so he had a 30 foot long shed roughly three feet in depth. And structurally when the wind would blow the shed would literally blow over. So he was so kind and so helpful with us with the under pinning I told him that I would take care of the shed for him. And so after, so now that we got everything back and built, we are asking for the variance to rebuild his shed for him."

B. Sisk – asked members of the Commission if anyone has any questions for Mr. Ritsch.

R. Martinez – questioned if they were going to follow all of the requirements, is it going to have footers for the foundation or just sitting on slab?

Mr. Ritsch – "It would just be a slab foundation."

R. Martinez – I think that we need to follow the International Building Code that the Town adopted.

R. Davis – I don't have any questions, it seems like a reasonable request.

B. Sisk – Opened the Public hearing at 7:22pm and due to no public present for comment, public hearing was closed at 7:23pm.

B. Sisk - No further discussion, we are looking for a motion.

K. Briggs motioned to approve application for variance with the recommendations of Town Staff that the structure will be built to current building code, B. Sisk second; all voted in favor.

New Business: Article 2 (Definitions) (Page 28)

Wiley S. explained the recent history of revising sections in chapter 16 that were added or changed since 1998. The last revised sections from Chapter 16 and Chapter 17 were Chapter 16, Sections 15, Planned Unit Development and Section 21, Administration and Procedures, plus Chapter 17, Subdivisions. Planning Staff proceeded to discuss the revised definitions with the Commissioners. Wiley S. explained that many definitions are not included in the current zoning codebook. The definitions section has been enlarged to it to make it more complete.

B Sisk - how are you calculating height requirements? Referring to illustration #3, I assume this is one structure. So now we are saying with the grade we have here, that the mid point of the back part of the structure would be the height requirement and the front structure would basically be the same thing less the difference in grade.

Wiley S. stated even if it was one structure and it was offset on the hillside, the determining factor would be the mid point of each structure

B Sisk – It doesn't matter where mid point is, just highest point. The mid point doesn't have to be in the center of that side of the building so you are looking at one end.

R. Davis - my question was the height from the grade at all points. This would illustrate at one point measured from the differential of grade at the bottom to the mid point at any point around the building so, in this illustration from the right hand side, which I will say is the front, you would go out 5' and then up. It would have gone on a vertical plane all the way back and that would have had to be 28'

B Sisk - Does this allow you to build a higher structure

R. Davis - Yes

R.Davis, If you measured 28' on the right side, you would have had to assume that that the vertical line from the front, across from the back called out as the bottom of the grade differential, you couldn't go 28' from the grade, it would have to be 28' from the front point.

R. Davis, It has to be 28' from any point from the finished grade. So are you saying it was 35' in the back and then taller in the front?

R Martinez, it is always that interpretation on how each individual looks at it.

B. Sisk I don't think what you've got here is that difficult to understand.

B. Sisk that's their job, is to try to get the most out of it that they can. It says here, a maximum building height is calculated from the bottom. So would this building height maximum go all the way across? So he would be kind of maxed out. Or would that 10' variance on the differential come into play here?

Wiley S. asked if he should make it clearer.

R. Martinez, I understand the illustrations, but what I didn't take into consideration where it says the measurement of three sides may exceed maximum building height allowable. And just looking at the illustration and I was just looking at one side.

R. Davis, on that first illustration on the steep slope, where it says exceeds the maximum building height allowable by 25% on three sides, now what three sides would that be.

Wiley S. - Staff will mark the diagrams showing the front, back, etc. Make it more helpful
The two sides and the front are used for measurement.

B Sisk, most people understand pictures better than words

R. Davis, he liked the definitions for the multi-family and duplex.

R. Martinez which part of Eagle County has highest building. Or is it all about the same.

Wiley S. said that most of our current code is taken from Eagle County.

R. Davis, The duplex dwelling definition, says the duplex can have units, either side by side or over and under, stacked configuration that appears to be a single integrated structure. In the side-by-side configuration units should be totally separated by an un-pierced wall extending from ground to roof. And in the over under configuration the units shall be totally separated by an un-pierced ceiling and floor

Wiley S. asked if the over and under duplex be taken out and just keep the side by side.

R. Davis, yes he does, I can't think of any in Minturn but I know there were some in Vail. It may just be a question of semantics and the difference between a condo and a duplex. Is it totally unacceptable to have an over under duplex?

B Sisk, I don't think it probably make a difference if they are out of place, I don't think they should be here. I don't think you should have over under duplexes. I don't think the terminology fits and the problems are great.

R Davis, so what we are saying is if someone wanted to build a stacked multi family unit it would have to fit into the confines of a condo.

B Sisk, why are we defining an elderly person in the first place? Lets take it out, elderly definition to be removed.

Wiley S. – Group home, not more than eight persons over the age of 60, occupied

B. Sisk that doesn't bother him, it is the reference to one person over the age of 60 that he doesn't agree with.

Wiley S. discussed lot definitions and setbacks and lot setbacks in a Commercial Zone.

Changed recording CD, which took about three minutes, there was some general discussion during this time. 8:07 to 8:10pm

B Sisk, your front set back is more than your rear, right.

R. Davis there is a bonus of not having a rear set back.

B. Sisk that could be true. In a Residential zone it wouldn't work according to our code. However, in a mixed-use zone it would work

R Martinez so can you run by us what the council said again?

Wiley S. said in a proposal that the Planning Commission recently reviewed, they had double frontage.

R. Davis – and the interior, it would be more consistent to have a frontage on both for the double frontage lot because it would be more consistent with the rest of the block.

Wiley S., In the Old Town Character Area, the Commercial Zone setback is zero feet.

R Martinez so do you think that what they are saying is to deter certain projects?

B. Sisk that would only be in a commercial zone. Residential 10' front

R. Davis right, but can the subdivision be denied?

Wiley S., yes but they would have to say why.

R. Martinez he thinks it was too large. He asked Rob if he would be happy with these interpretations if other projects came in?

R. Davis yes. You can make exceptions if you are concerned. Different zoning from parts of town. Boulder Street is so narrow, seems to him you could make an exception.

B. Sisk 200 block of Boulder street back buildings are built into the set back. The street could be 10 feet wider.

R. Martinez any commercial building that comes in, the trucks are going to have problems trying to park, deliver products and make the turns.

8:25pm Karen left (ill)

Old Business:

Wiley S., over the last months, Derrick S. has revised the Old Town Character area maps. These will go on the website, make it clearer. A legend will be on there with standard zoning colors that match what most of the cities have. South town does not have mixed use. We have included that in our category that we might want to add mixed use. If you wanted to add mixed use to the South area we are ready.

R. Martinez would like to wait and talk about it at the next meeting.

B. Sisk, leave zoning as is. No need for mixed use, no need for commercial. Keep it as is. There is no industrial use. If we don't leave zoning as it is, we have to go through council.

R. Martinez still would like to hold off. Some people would like to look at different zoning.

B.Sisk – we can recommend but we have to go through council.

R. Martinez R you live down there; want to leave it for next meeting.

R. Davis. If someone wants to come in and talk about changing the zoning they can. Leave it like it is.

Wiley S. cannot be spot zoning. Commercial spots, but it is illegal. You can't do that, it happened. You can expand or add to it.

D Slocum, one lot and somehow one end of it is commercial and the rest is residential.

Wiley S., would like it to go to Public Hearing. Study sessions with Town Council.

B. Sisk wait until someone comes in and wants to build

B.Sisk requested that we approve minutes from the 14th of December.

Kristi motioned, Bill seconded; all voted in favor.

Adjournment:

As there was no further discussion the meeting was adjourned at 8:40 p.m.