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**Town of Minturn  
Planning and Zoning Commission Agenda  
Wednesday, December 12, 2007**

**Regular Meeting 7:00 p.m.**  
Minturn Town Center – 302 Pine Street

**Call to Order/Roll Call**

The meeting was called to order at 7:04 p.m. by Chairman Woody Woodruff. Roll call showed Woody Woodruff, Lynn Teach, and Kristi Bloodworth, Tim Osborne and Ernie Glessner were present.

Also present were Chris Cerimele, Interim Town Planner and Allen Christensen- Town Attorney

**Approval of Agenda Items**

- a. Items to be pulled from Action Items
- b. Emergency Items to be added
- c. Order of the Agenda Items
- d. Approval of the agenda

Motion by K. Bloodworth, 2<sup>nd</sup> by L. Teach to approve the agenda as presented. Motion passed 5-0

**Approval of Minutes** – Minutes from November 28, 2007.

Motion by L. Teach, 2<sup>nd</sup> by E. Glessner to approve the Minutes from 11/28/07 as presented. Motion passed 5-0

**DISCUSSION ITEM # 1 – DRB 07-14**

**Applicant:** Michael Boyd

**Address of Property:** 504 Eagle Street

**Proposal:** To seek approval for an addition to a single-family residence

**Zoning:** Residential Zone - Old Town Character Area

**Recommendation:** Approval with conditions.

Chairman Woody Woodruff recused himself from this hearing and turned the meeting over to vice-chair K. Bloodworth.

Chris Cerimele introduced the application and recommended approval subject to the conditions stated in the staff report. He proceeded to introduce the attorney for the applicant- Wendell Porterfield.

Wendell Porterfield stated that the application at hand was not subject to the pending litigation between Mr. Boyd and the Eagle River Water Sanitation District. He stated that nothing has been done in the case for 18 months. It is his position that there is nothing wrong with applying for a design review approval. The purpose of P&Z was to ensure that the zoning regulations and design guidelines were adhered to- not to determine property rights.

Bottom line is that staff recommends approval of the plans. If the court wants to tell Mr. Boyd to not build because of an easement- that's fine. They have had numerous meetings with ERWSD to resolve the issue but that is a separate issue.

Ernie Glessner- Why has the issue been held up in court for so long?

W. Porterfield- Potentially because of the District's legal counsel. From our perspective, there is no issue with the court. This hearing is to decide a zoning case. If the District Court rules that Mr. Boyd can't build or must take down the structure, then he must comply with their ruling.

Questions ensued from the P&Z Commission as to the general design of the project and building details.

Mr. Boyd stated that the measurements for the building height were taken from the lowest side of the property.

Tim Osborne- Asked where the river setback was.

Mr. Boyd – Everything is set back to code requirements. The second story does not extend into the river setback. However, a balcony extends approx. 3 feet into the river setback.

Ernie Glessner- That's how we have been treating similar situations.

Tim Osborne stated that it is never a good idea to build over a sewer easement. He recently saw a situation in Vail with an old sewer line leaking into a basement.

Mr. Boyd- I have no problem putting in a new sewer line on my property when I build.

Ernie Glessner inquired about a drainage plan.

Mr Boyd. – I submitted a letter saying nothing is changing. I intend to put snow hangers and gutters to keep water from the neighbors.

Kristi Bloodworth invited the public to comment on the application

Lynn Brooks – Assistant General Manager - Eagle Water and Sanitation District- paraphrased a letter from the ERWSD Attorney to the Town of Minturn(A copy of this letter is available in the project file)

Elizabeth Campbell – 512 Main Street. stated that she has lived in the property for 13 years. Somehow Mr. Boyd was able to completely rebuild and expand his garage in the river setback. She went on to allege that Mr. Boyd recently filled in the river setback. As far as why this has been dragged out in the courts is that Mr. Boyd's lawyer is very good at dragging things out. She went on to express her concern for the River.

#### **DRAFT MOTION – Ernie Glessner**

In the application for a Design Review approval at 504 Eagle Street, we have read the staff report. We find ourselves in agreement with staff findings including all plans and attachments as set forth in the report dated December 7, 2007, and recommend **approval** of this application subject to the following conditions:

- *A second framing and foundation ILC will be submitted with all the planning requirements such as height, location of building, square footage of building and setbacks. A Certificate of Occupancy will only be issued after the second ILC is approved and after it has been determined the builder has met all the zoning requirements. The*

building, foundation location, building height, setbacks, driveway access, topographic and finished grade, and utility easements information would be shown on the final ILC. – (per Ordinance 21- 2006);

- The applicant must pay all required fees related to the development of the proposal;
- Any major changes will require Design Review Board approval;
- The applicant must submit a drainage plan to the Town Planner prior to issuance of building permit.

**Motion Seconded by Lynn Teach.**

**Motion passed 5-0**

**Adjournment: 8:30**