

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

August 2, 2005
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery Mr. Vic Barnes Mr. John Campbell

Board of Zoning Adjustment:

Mr. Bill Donley Mr. Gerard Dearborn Mr. Bruce McDonnall

Associate Members:

Mr. Joe Arbuckle

County Commissioners and Attorney:

Mr. Dick Downey Mr. Dale Hoag Mr. Kit Shy Mr. John Naylor

Staff:

Ms. Christy Kesselring

Absent:

Mr. Pat Bailey Mr. Rod Coker Mr. Keith Hood Ms. Dorothy Nepa
Mr. Skip Northcross Ms. Sherry Rorick

The meeting was called to order at 1:03 P.M. by LYNN ATTEBERY, Planning Commission Chair.

CAMPBELL and BARNES were seated on the Board of Zoning Adjustment to constitute a quorum.

ATTEBERY called for approval of the May 2005 minutes. BARNES MOVED to accept the minutes
MCDONNALL SECONDED. The motion passed unanimously by voice vote.

ATTEBERRY explained that the meetings will now be run by the Planning Commission Chair and not the
Moderator.

DONLEY nominated CHRISTY KESSELRING to be Secretary for the Board of Zoning Adjustment and
DEARBORN SECONDED. The motion passed unanimously by voice vote.

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ZONING OFFICE REPORT

- 12 I.S.D.S. variances were issued for the months of May-July. Those variances were for: Schultz, Nichols, Granberry, Fields, Nemcik, Perullo, Mowery, Lange, Dickens, Gray, Resch, and Concialdi.
- The office requested a volunteer to proofread the minutes. Bruce McDonnall was volunteered for the August minutes.
- The Shining Mountain Plat has been signed and recorded
- There will be a Subdivision Regulation Workshop on 8/11/05 from 10-12.

Office Summary

May 2005

9 Septic inspections, Site reviews
0 Violation reviews
3 Homeowner Septic installation test
0 Septic Contractor test
10 Special conferences
1 Compliance Inspections

Permits issued:		<u>2004</u>		<u>2005</u>
Septic		13		9
Zoning	27		13	

June 2005

25 Septic inspections, Site reviews
0 Violation reviews
0 Homeowner Septic installation test
2 Septic Contractor test
27 Special conferences
8 Compliance Inspections

Permits issued:		<u>2004</u>		<u>2005</u>
Septic		18		17
Zoning	31		26	

July 2005

30 Septic inspections, Site reviews
3 Violation reviews
1 Homeowner Septic installation test
0 Septic Contractor test
13 Special conferences
14 Compliance Inspections

Permits issued:		<u>2004</u>		<u>2005</u>
Septic		17		15
Zoning	28		21	

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ATTEBERY turned the meeting over to the Board of Zoning Adjustment.

SAMUEL A. AND GLORIA T GUERRERO/SETBACK VARIANCE

Property description: SILVER CLIFF HEIGHTS, SUBDIVISION 12, LOT 43

Schedule number: 101-12-812

Staff read the response from Judith Hoffa. Adjoining property owner GREG MARTIN submitted a letter, but represented his own response.

MARTIN explained that as an adjoining property owner, this proposal would intrude on the cul-de-sac, make the neighborhood look like a city due to the close proximity to the road and detract from the saleability of his parcel. MARTIN questioned how this modular would get to the location without making drastic improvements to the roadway. He further explained that the reason he bought in the area was that it is rural and undeveloped. Martin said that his objection is this structure being right on top of the road and if he builds a two story structure, he will be able to see it.

SAMUEL GUERRERO, representing himself, and explained the history behind his request. GUERRERO thought he knew where his property lines were and staked out the location for his house, perc site and well. Once the perc site was evaluated, it was discovered that the location of the proposed structures were encroaching on the 50 ft setback restrictions. GUERRERO had chosen the site for the house due to the steep drop offs and the level area for a structure.

As to Martin's objections GUERRERO stated that he felt that Martin probably could not see his house from the proposed site for the Martin home. GUERRERO said that he spoke with a modular mover and they felt that they could get the home in with a little modification to the roads.

GEORGE COLEGATE felt the application, although the documentation is unclear, should be approved because GUERRERO has complied with what the county instructed him to do.

CAMPBELL questioned the location of the well and GUERRERO responded that it is within that 30 ft easement and the Perc Test site will have to move. The boards discussed some other options to include moving the structure and screening the structure.

DEARBORN MOVED to APPROVE the setback variance application. BARNES (acting as a BZA Member) seconded. The motion passed 4-1 with a role call vote, MCDONNALL voting no. CAMPBELL added that he voted the way he did because of the topography.

CHRIS UEBERROTH/SETBACK VARIANCE

Property description: DEL NORTE LODGE S#157 SEC 2822 71

Schedule number: 102-24-500

Staff read the response from Rodney S Haas.

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CHRIS UEBERROTH represented himself and explained that due to the steepness of the slope and the geology this area is about the only place to build the barn.

CAMPBELL questioned if there would be any ramifications from BLM and Naylor replied that there would not.

CAMPBELL (acting as a BZA Member) MOVED to APPROVE the setback variance application. DEARBORN seconded. The motion passed unanimously with a role call vote. CAMPBELL added that he voted the way he did because of the topography and DONLEY cited that this was a minimum amount of disturbance to the area.

The next Site Tour is September 29, 2005

The next meeting will be in October 4, 2005.

The meeting adjourned at 1:50 P.M.

Submitted by,

Christy Kesselring
Secretary