



# TOWN OF IGNACIO BOARD OF ADJUSTMENT MEETING

Wednesday, September 12, 2018  
6:45 P.M.

540 Goddard Avenue, Ignacio CO 81137  
Town Meeting Room

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## BOARD OF ADJUSTMENT MEETING MINUTES

Members Present: Gina Schulz, Amanda (Mandy) Brown, Clark Craig, Dixie Melton

Guests: Carolyn Hunter, Randall Haynes, Matt Foutz

### I. Call Meeting to Order

Mr. Garcia called the meeting order. He stated that the first order of business is to establish a Chair and Vice Chair.

### II. Establish Chairperson and Vice Chairperson for BOA

**Action:** Ms. Melton moved to nominate Amanda Rockwell-Brown as Chair. Mr. Craig seconded the motion. Motion passed unanimously by voice vote. Ms. Brown expressed appreciation for the appointment.

Mr. Garcia stated that, although it is not mentioned in our Code to have Vice Chair, he believes it is advantageous to do so. He also addressed the idea that it would be best not to have spouses serve together on the Board of Adjustment as it could appear to be a conflict of interest. He stated that he has requested the Town Board look for individuals to fill the vacancy of the fifth seat on the Board of Adjustment and hopes to have that seat filled at the upcoming Town Board Meeting. Mr. Garcia stated that, if the Board members prefer, they can wait until the next meeting to appoint a Vice Chair; by consensus, this item was tabled until the next meeting.

### III. Establish Terms for BOA Members

Mr. Garcia stated that it would be good to have alternating terms so that not all of the Board of Adjustment seats are vacant at once. By consensus, this item was tabled until the next meeting.

### IV. Ignacio Community Church Variance Request – Public Hearing

Carolyn Hunter with Context Architecture introduced herself to the Board. She also introduced Randall Haynes, Pastor of Ignacio Community Church and Matt Foutz, also of Ignacio Community Church, who will be the contractor for the project. Ms. Hunter gave a copy of a narrative for the Board Members to read.

Mr. Garcia opened the public hearing, stating that he would like to allow the applicant to present their request, give opportunity for public comments, close the public hearing and then have discussion among the Board of Adjustment members.

Ms. Brown gave opportunity for the applicant to present their case.

Ms. Hunter stated that for a variance to be granted there needs to be an extenuating circumstance. She stated that history is the extenuating circumstance because the church was originally built in 1910; the original church is currently 108 years old. The residential properties grew around the church and sometime in the last 30 years it has been zoned as multifamily residential. The height requirements, setback requirements, and lot coverage requirements are suitable for residential. As the community has grown, so has the church; as a result, the church needs more room. The plans are designed to maintain the integrity of the historical value while enabling the church to have room for more modern conveniences like a nursery, classrooms and fellowship hall.

Discussion ensued regarding parking and floor plan. Ms. Rockwell requested a letter from Farmers Fresh to the Church that allows the church to use their lot for parking. This meets with the drafted language for parking that has been approved by the Planning Commission but has not yet been approved by the Town Board.

Ms. Hunter referred to the church as a business building rather than residential. Although churches are a business, they are typically are built in residential areas rather than business districts; churches do not product off-site effects like noise, smoke or lights at night; they are an off-peak use; and churches typically offer many free or low-cost services to their communities.

Ms. Rockwell asked for clarification regarding the alignment of the north wall of the addition. Ms. Hunter stated that there will be 18' from the exterior face of the building to the south edge of the pavement on Lampert Street. Ms. Rockwell asked if there would be an overhang from the proposed roofline into the street and, if so, how far does the overhang go into the right of way? Ms. Hunter stated that the overhang is at most 2 feet into the right of way. Ms. Rockwell asked if the property had been surveyed; Ms. Hunter stated they did not feel they needed to survey the property because it is bounded on three sides by public streets. Ms. Rockwell stated that it is her understanding that all the property line are a foot off; therefore, if there is a two-foot overhang into the right of way, it may actually be a three-foot overhang. She simply wanted to inform the Board members of this fact as they are contemplating their options. Mr. Foutz stated that it will not go any further into the right of way than it is now. Mr. Craig stated that an option here would be for the Town to grant an easement to the church for these 2-3 feet. Mr. Garcia also gave the option of vacating part of the street.

Ms. Hunter stated that the fourth variance request had to do with the west side of the property. The building is set 10' from the alley right of way; the variance is for an open metal stair, which is an egress stair required by code. There are seven letters of support from the neighbors included in the packet that was given to each of the Commission members; two more have been received since the packet was put together. All of the neighbors within 100' of the property have signed letters of agreement.

Discussion ensued regarding parking, blocking off the alley for safety, gas meter location, etc. Mr. Garcia stated that, if there are no further comments, the public hearing could be closed. Ms. Brown asked if Mr. Foutz had anything he wanted to say. He stated that he has been a member for about four years and the church does a lot of good for the community. He said that there has been a lot of talk about moving here or there, and this plan is what makes the most sense since the church doesn't have a lot of money.

Ms. Brown closed the public hearing and opened it up for discussion among the Commission members. Mr. Craig stated that, since this is new to all the commission members, Mr. Garcia may need to guide them through the process. Ms. Schulz stated that, because she is a voting member of the church and is also on the finance committee of the church, she would recuse herself from the discussion and vote. Ms. Brown expressed appreciation to Ms. Schulz.

Mr. Garcia stated that he felt it would be best to handle each request separately; our Policy requires a Resolution that defines each of the decisions of the Board of Adjustment. He recommended that we give the Chair the authority to sign the resolution once the decisions are made. There is no draft resolution and staff has not made recommendations regarding these variance requests. Mr. Garcia commended the Board Members on asking questions based on the Codes; he presented options for conditioning the requests regarding the parking and the survey that were mentioned previously in the meeting. Ms. Brown stated that she did not want to burden the church with the cost of a survey, but it is something that we need to be aware of and eventually will need to address. Mr. Craig acknowledged that there are property line issues in place, even with the Tribe on the north end of town; he said at some point in time we do need to know where the property line actually is for the church.

Mr. Craig asked about parking on the west and north sides of the church; Mr. Haynes responded that only about 10 cars would be in the west lot, and the north side and street parking was never an issue in the past except when someone blocked Rural Route Video a couple of times. Ms. Brown asked if Mr. May had written a letter of agreement; Ms. Hunter stated she had copies of his letter. Ms. Brown stated that she would like to put a condition on the variance request for parking just to ensure that the church will be able to accommodate the parking that will be required. Ms. Hunter stated that the sanctuary is a little over 2,000 square feet for the sanctuary and its extension; that would equate to about 23 parking spaces needed for the church. The church will validate if there are enough parking spaces between their own lot and the Southern Ute Education Center parking lot to meet the minimum parking requirements. Ms. Brown asked if the church has a letter of permission from the Tribe; Mr. Haynes stated they do with the condition that there be a rider on the church's insurance for liability. Ms. Hunter stated that she could email that document to Mr. Garcia; Ms. Brown requested that she do so to ensure that our documentation is complete.

Ms. Brown called for a motion on the first variance request: align the North wall of the new addition with the North wall of the existing church. She asked Mr. Garcia if the Board should approve each variance separately; he stated that would be best so that any conditions on a particular variance could be noted.

**Action:** Mr. Craig moved to accept the North wall variance request of a 0' setback. Ms. Melton seconded the motion. The motion passed with Ms. Schulz abstaining.

**Action:** Mr. Craig moved to accept the variance request for the roof height with a 2'6" encroachment; Ms. Melton seconded the motion. The motion passed with Ms. Schulz abstaining.

**Action:** Mr. Craig moved to accept the plans as submitted for the lot coverage, which is an increase to the lot coverage based upon the drawings in the ballpark of 67%; Ms. Melton seconded the motion. The motion passed with Ms. Schulz abstaining.

**Action:** Mr. Craig moved to accept the variance request for the stair egress as they do not really create a hindrance in that space. Ms. Melton seconded the motion. The motion passed with Ms. Schulz abstaining.

Mr. Craig stated that he is very excited about this project and he thinks it will be great for the Town of Ignacio. He stated that due to the historical value he believes the church needs to remain within Town Limits. Mr. Haynes and Ms. Hunter expressed appreciation.

Ms. Melton expressed that they have done their homework and did a good presentation.

Mr. Garcia asked for clarification on a couple of items:

Does the applicant need to provide the Town with the signed letters of permission from Southern Ute Education Center and Farmers Fresh? The Commission said yes.

What is the desire for the applicant regarding a survey, if any? Mr. Craig stated that we need something; not necessarily a full-blown survey, but something that shows the property line. Ms. Rockwell referred to the improvement location certificate; Mr. Garcia mentioned that the Town may want to vacate a portion of the street if there is an encroachment so that the Town is not liable. The consensus was that the church needs to provide something that shows the property lines. Mr. Haynes agreed that it would be good for everyone to know for sure where the property lines are.

Mr. Garcia stated that a Resolution needs to be written with these decisions and stipulations; he would like consensus from the Board that the Chair can sign the Resolution that he will draw up and email to the Board Members for approval.

**Action:** Mr. Craig moved that, as part of setting procedure for the Board of Adjustment, the Chair be able to sign said documents after the meeting is adjourned. Ms. Schulz seconded this motion; it passed unanimously by voice vote.

Mr. Craig asked if the Commission need to complete the Variance Application Finding and Recorded Decision Form. Mr. Garcia stated that is an old form that was used and he believes the motions and votes were sufficient.

Ms. Hunter, Mr. Haynes and Mr. Foutz left the meeting at this point in time.

## V. Set Schedule for Next Meeting

Mr. Garcia stated that he will have another variance request, similar to this one, which will need to be addressed. He stated that the Planning Commission is working on updating Chapters II and III of the Municipal Code which will impact these variance requests. When there are that many variance requests, the code is not what the Town needs. He invited Ms. Brown to attend the work sessions where the Planning Commission will be discussing these Chapters. Mr. Garcia talked about the fact that Ignacio does not have room to grow due to being land-locked by the Tribal Land; the Code should really be geared to in-fill development, maximizing what can be done within our Town boundaries. If there are too many tests on a variance, the applicant may fail those tests even though the project would be beneficial to the Town. He stated that the Parking regulations need to be amended as well, and that is part of what will be looked at. There also needs to be consideration of special use permitting and conditional use permitting which are referenced in the Code. If someone can show the built environment would require an exception

to the Code, they may be granted a special use or conditional use permit rather than having to go through the variance process. Ms. Brown asked about changing the zoning – for example, if the church were zoned as a mixed use rather than residential, would they have had to go through the variance process? Mr. Garcia stated that selective zoning would be problematic for the Town; he cited the Rural Route Video property as an example of selective zoning. Perhaps there were good and convincing arguments at the time to make that property a Mixed Use property; however, it has caused problems ever since.

Chris Duran submitted an application on Friday, September 7, for variances for lot coverage ratio and setbacks; the Code states that the Board of Adjustment will meet not less than 15 days and not more than 40 days from the date of the application. Mr. Garcia requested a date from the Board Members to schedule the hearing for this variance; he will send a letter to the neighbors that are within 100' of the property, excluding rights of way. Ms. Schulz asked what property Mr. Duran is requesting the variance for; Mr. Garcia stated it is on Ignacio Street. By consensus, the Board decided to set the hearing for Wednesday, October 3, 2018, at 6:30PM; Mr. Garcia will notify the affected property owners.

## VI. Adjourn Meeting

Mr. Craig moved to adjourn the meeting; Ms. Melton seconded the motion. It passed unanimously.