



TOWN OF IGNACIO BOARD OF ADJUSTMENT MEETING

Thursday, October 18, 2018

5:00 P.M.

570 Goddard Avenue, Ignacio CO 81137

Town Meeting Room

BOARD OF ADJUSTMENT MEETING MINUTES

I. Call Meeting to Order

Chairman Brown called the meeting to order at 5:05PM.

PRESENT: Dixie Melton, Town Board Representative; Clark Craig, Member; Mandy Brown, Chairman; Jeremy Schulz, Member; Chris Duran, Citizen; Mark Garcia, Town Manager

II. Browning Ave (New Residence) Variance Request – Public Hearing

Chairman Brown stated that the Board needs to look at each request and decide on them individually. Mr. Garcia reminded the Board that they had tabled this from their last meeting and requested that Mr. Duran complete certain items prior to this meeting. Mr. Garcia stated that the Land Use application has been completed and that Mr. Duran has provided the updated site plan based on the conversations at the last meeting as well as a brief narrative on each of the variance requests. There is also the publishing notice for the public hearing that has the corrected address of 100 Browning Avenue. Mr. Garcia stated that he believes that the information requested at the previous meeting has been provided; this meeting is a continuation of the previous one. Mr. Garcia stated that he also did research on the county GIS website regarding the subdivision of the property; he could not find anything. He contacted Clerk & Recorder's Office; they could not find anything. He found a settlement document, which the Board has already received a copy of; this has all the required signatures and the property has been recognized as having the current configuration for a number of years.

Ms. Melton stated that the legality of the property division was her question, and she expressed appreciation that this question has been answered with the information that Mr. Duran and Mr. Garcia have provided.

Ms. Brown stated that all that the Board requested has been provided and expressed appreciation for that. She began addressing each of the variance requests, beginning with the 8' rear setback (instead of the 10' setback required by the Code). Ms. Brown opened the meeting for public comment and asked Mr. Duran if he would like to speak. He said he had no comment; he will do whatever the Board wants him to do. There was no one else in attendance and no other public comments; Ms. Brown closed the public hearing.

Mr. Craig stated that in our setback table in the code there is a note that, in the Candelaria subdivision there is a 5' rear setback requirement because they have an inaccessible rear easement. He stated that, in his opinion, this is very similar to Mr. Duran's situation due to the neighboring property and having an inaccessible easement there. Even though this is a different area of town, he believes precedent has been set to grant this variance. Mr. Garcia stated there is a gas line that runs in the easement on Candelaria heights. There are no utilities on Mr. Duran's property; it is a different scenario. Mr. Schulz stated that Mr. Duran has a signed letter from the neighbor that could be impacted by the 8' rear setback variance and that the neighbor does not have issue with it. Mr. Craig stated that, for clarification, the requirement of "exceptional and extraordinary circumstances" (Municipal Code 3-4-10(1)) has been met for the entire project based on the lot size and shape, both of which were determined prior to this code being in place. The remaining Board Members concurred that all the requirements of Section 3-4-10 have been met. Ms. Brown called for a motion on the variance request of an 8' rear setback.

Action: Mr. Craig moved that the Board accept the variance request for a rear setback of 8' versus 10'; Ms. Melton seconded the motion; it passed unanimously by voice vote.

Ms. Brown moved to the next variance request, 6.5' corner setback versus 10' requirement of the code. Clarification was given as to which corner of the property is being addressed in this variance request (Ignacio Street and Browning Avenue corner), and Ms. Brown clarified that the vision requirement will be met even if this variance request is granted.

Action: Mr. Craig moved that the Board accept the variance request for the street side setback to have a 6.5' setback instead of the required 10'; Mr. Schulz seconded the motion and it passed unanimously by voice vote.

Ms. Brown moved to the variance request for lot coverage beyond 30% to 48%.

Action: Ms. Melton moved to approve the maximum lot coverage by the residence to 48% versus the 30%; Mr. Craig seconded the motion and it passed unanimously by voice vote.

Ms. Brown moved to the variance request for only one off-street parking space versus the required two spaces. Ms. Brown reminded the Board that the garage size only allows for one vehicle and other homes in the area don't even have parking in their lot. She called for a motion.

Action: Mr. Craig moved to accept the variance for the off-street parking, that he will only have one car space instead of the required two; Mr. Schulz seconded the motion; it passed unanimously by voice vote.

The Board congratulated Mr. Duran and expressed appreciation for his compliance with all their requests. Mr. Duran expressed appreciation and stated that he would come to the next day to pay for his permits. Mr. Garcia stated that he would not be in the office, so Mr.

Duran should wait until Monday; Mr. Duran agreed. Ms. Brown expressed appreciation for all that Mr. Duran does for the community; the Board members agreed.

III. Ratification of Resolution 01-2018

Mr. Garcia stated that he drafted this resolution and sent it to the Board members for review and comments. He mentioned the comments that were received and the edits that were made. The Resolution is before the Board for ratification and signature; Mr. Garcia has sent a draft to the applicant. Ms. Brown signed the resolution. Mr. Craig expressed appreciation for understanding how the process works and the final product (the resolution) toward which the Board has been working.

Action: Mr. Schulz moved to approve Resolution 01-2018, Ignacio Community Church variance request; Ms. Melton seconded the motion; it passed unanimously by voice vote.

Mr. Garcia stated that he would create a similar resolution for Mr. Duran and send it to the Board for signatures. He stated that there is nothing else to come before the Board of Adjustment at this time. Mr. Schulz stated that he is fine with Ms. Brown signing the resolution for Mr. Duran. Mr. Craig stated that he thought that was voted on previously, that the procedure would be that the Chairman could sign the resolution without the need to have a meeting to ratify the resolution. Ms. Brown stated that was her understanding as well. Mr. Garcia stated that he thought that was done for the ICC variance resolution, but not this one. Ms. Melton concurred with Mr. Garcia. Ms. Brown stated that she did not realize it needed to be done each time. Mr. Schulz stated that he did not think there needed to be a special meeting to ratify the resolution, but simply the statement that Ms. Brown could sign the resolution on behalf of the Board. Mr. Garcia stated that the Board could opt to give the Chairman the right to sign the resolution after each Board member has had opportunity to review and comment back to him regarding the draft resolution he will send to them. At whatever point in the future that the Board meets again, they can ratify the resolution at that time.

Action: Mr. Schulz moved to give Chairman Brown the authority to sign Resolution 02-2018 involving the Duran property at 100 Browning; Mr. Craig seconded the motion; it passed unanimously by voice vote.

Each Board Member expressed appreciation to each other and to Mr. Garcia for the process that was followed and for the good questions that were asked and the discussion and clarifications that were made throughout the process. Mr. Garcia expressed appreciation to the Board for the process they followed and stated that he is looking forward to refining the Land Use Code to meet the community's need. Ms. Brown requested that Mr. Garcia sign the letter that he sent to the Board members, just for record keeping; he agreed.

IV. Adjourn Meeting

Mr. Craig moved to adjourn the meeting; Mr. Schulz seconded; the motion passed unanimously by voice vote. The meeting was adjourned at 5:35PM.