

MINUTES

Full and timely notice of this meeting was provided pursuant to the Town of Pitkin Zoning Code of 2012.

**CALL TO ORDER/Roll Call – Chairman Brian Holt called the meeting to order at 7:00pm
Zoning board members Rodger Lull, James Sharpton, and Ramon Reed were present.
Building Inspector Rand Makowski was present.**

NEW BUSINESS:

- Discuss and vote on new variance request for Block 24, lots 1-4 (Wise)
Mr. Wise has applied for a new variance request because he did not like the language in the condition of the previous variance. He has no problem with conditions being placed on the variance, but he would like the language to be more clearly defined and contain a valid reason. He pointed out that he does not intend to encroach on Town property. He does not believe he should be asked to remove his weatherport without a valid reason.

ZB member Ramon Reed doesn't see any problem with the new request.

ZB member Rodger Lull believes this makes a variance for a non-permanent structure the same as a variance for a permanent structure.

ZB member James Sharpton doesn't see a problem with the request.

Comments from ZB member Jesse Garetson were read by chairman Brian Holt – Jesse Garetson does not believe the board should grant this request.

Chairman Brian Holt proposes that the zoning board grant a similar variance to the one that was granted to Kathie Rose for her weatherport – this would require a yearly renewal. He does not believe that the verbiage John is requesting is under the jurisdiction of the Zoning Board.

Building Inspector Rand Makowski stated he doesn't think John doesn't want to have to renew his variance every year.

Motion to accept John's variance request as amended by the removal of the word "will" in the last sentence made by James Sharpton. Seconded by Ramon Reed. Motion failed 2-2. Ramon Reed and James Sharpton cast yea votes, Rodger Lull and Brian Holt cast nay votes.

- Discuss and vote on variance request form
Comments from ZB member Jesse James Garetson were read by chairman Brian Holt – Jesse Garetson is under the impression that certain portions of the form will require significant legwork on the part of the zoning board.

Chairman Brian Holt stated that he did not believe this was the case, the responsibility lies with the requestor. ZB member Ramon Reed agrees.

ZB member Ramon Reed states that the intent of this form is twofold: one, to provide the information to the Zoning Board prior to meeting and considering the request; and two, to encourage the property owner to think about the request and read the requirements as set forth in the zoning code. The responsibility should be on the property owner to give the reason for the variance.

ZB member Rodger Lull believes most variances are required when there is a non-conforming lot. Chairman Brian Holt believes "non-conforming" should be included in paragraphs 1 and 2 on pg 2 of the form.

Chairman Brian Holt read comments from ZB member Jesse James Garetson regarding the paragraph

titled, "Does not affect neighborhood" – Jesse James believes this would require unsubstantiated and subjective decision making by the zoning board, for example, addressing "light" and "air."

Chairman Brian Holt wonders how a property owner would demonstrate that a neighborhood is unaffected. ZB member Rodger Lull does not believe that paragraph should be included. It is asking the property owner to draw a conclusion that the Zoning Board should draw.

ZB member Ramon Reed believes the light component could be applicable. The property owner has the burden of proving that their request should be granted. The Zoning Board would then determine if the information provided is valid.

Chairman Brian Holt suggests having the adjacent property owner sign off on a variance request. ZB Ramon Reed disagrees with this suggestion because it implies that the adjacent property owner has a veto, which is not the case. The adjacent property owner fields are included in the form so they can provide input.

There was discussion regarding who informs the property owner of the need for a variance.

Chairman Brian Holt would like to add, "Variance request number" on the top of the form, to be assigned by the Zoning Board or Town Clerk.

Variance form will be turned in to the Town Clerk. Town Clerk will forward to the Chairman.

The Zoning Board will review the final document with requested changes at the next meeting. Plan to vote on the document at the next regular zoning board meeting.

Public comments: Lois Sharpton, Patrice Boyd, Pete Olson

- Chairman Brian Holt addressed a previous variance request from Quartz Creek Lodge. The Zoning Board brought Quartz Creek Lodge's variance request before the board at two separate meetings. A vote was taken and the Zoning Board declined the request to place commercial signs in the residential district.

Per an email message to Chairman Brian Holt, Robbin King of the Quartz Creek Lodge claimed that it was never the lodge's intent to put signs in the residential district but to open a discussion regarding the Town's ability to provide signage for the commercial district. Chairman Brian Holt believes that this attempt to manipulate the zoning board is out of line. ZB member Ramon Reed believes that the zoning board never had the authority to grant this request.

- Discuss protocol to review and amend zoning code

Chairman Brian Holt would like the Zoning Board to work together to provide amendments to the zoning code to the Board of Trustees. ZB James Sharpton would like the Zoning Board to go through the code starting from the beginning.

Chairman Brian Holt will write a letter to the Board of Trustees, informing them of the Zoning Board's intent to review the zoning code and requesting input.

ZB member Ramon Reed suggests contacting the attorney to obtain legal input. He also suggests presenting both a recommendation and a minority report to the Town Board on contentious issues within the zoning code.

Public comment: Pete Olson

OLD BUSINESS: None

ADJOURN: Chairman Brian Holt adjourned the meeting at 8:30 pm.