
MINUTES

CALL TO ORDER/Roll Call – Chairman Brian Holt called the meeting to order at 7:00pm. Zoning Board Members Jesse Garetson, James Sharpton, Ramon Reed and Rodger Lull were present. Building Inspector Rand Makowski was present. Minutes taken by Clerk Sara Gibb.

NEW BUSINESS:

- Discuss Floyd Cook property at 2nd and State Street

Mr. Cook's cabin was built in 1953, and twelve feet of Mr. Cook's cabin is on Town property. He cannot obtain a clear title to sell the property. He would like a written variance from the Town or something to allow him to sell the property.

ZB member Rodger Lull stated that Mr. Cook needs to get an attorney to write up a license agreement and present it to the Town Council.

Mr. Cook does not have any paperwork for a survey. An adjoining property owner paid for the survey in possibly 1978. The Zoning Board asked that Mr. Cook obtain a certified survey of his property. It was also suggested that he be proactive and request from either the title company or his personal attorney a draft license agreement to present to the Board of Trustees.

ZB Chairman will request that this item be placed on the next Board of Trustees meeting (Tuesday, September 4th)

The Zoning Board would like Chairman Brian Holt to write up a letter to the Board of Trustees regarding this situation.

- Discuss and vote on protocol for zoning board paperwork and variance requests – NOT ADDRESSED, ON AGENDA IN ERROR
- Discuss and vote on PHCA Variance request and Building permit fee waiver

Motion to deny the variance request made by Ramon Reed. Seconded by James Sharpton. Motion Carried 4-1. Rodger Lull cast a nay vote.

Motion to recommend to the Town Council to support the PHCA in relocating historical buildings and permit fee waiver request made by Jesse Garetson. Seconded by Rodger Lull. Motion carried 5-0.

The setback on the side property is 10 feet and not 5 feet. The PHCA will be encroaching 7 feet and not 2 feet.

Rand Makowski reported that the neighboring property owner, Jim Dunn, has no objections and will send a letter to the Town stating as such.

ZB member Ramon Reed pointed out that the roof of the building will slope toward the neighboring fence and snow from the roof may damage the fence. He does not see the reason for granting the variance.

ZB chairman Brian Holt wondered if it would be possible to situate the building to the roof slopes the other direction. Mary Heberling pointed out that the building is to be situated to allow the greatest

access for visitors, and to limit the reduction of the yard area.

ZB member Jesse Garetson suggests that a recommendation be made to the Board of Trustees to approve the variance.

ZB member James Sharpton suggested a hold harmless document with the Dunn family (neighboring property owners). Chairman Brian Holt stated that the PHCA needs a letter from the neighboring property owner stating that he has no issue with the variance and has full understanding that snow from the roof of the PHCA's building may affect his fence. There also needs to be a hold harmless agreement between the neighbor and the PHCA. With those two items, a recommendation can be made to the Town Council to approve the variance.

PHCA will obtain a letter from Mr. Dunn stating that he agrees with the location of the building and the possibility for damage to his fence and will obtain a hold harmless agreement.

Public comments: Marie Rossmiller, Mary Heberling, Patrice Boyd

- Discuss and vote on permitting for weatherport-type structures in the Town of Pitkin

Item tabled

Chairman Brian Holt believes that weatherport-type structures are temporary and should not require a permit.

ZB members Ramon Reed and James Sharpton believe the intent was for weatherport-type structures over 120 feet to be permitted.

ZB members James Garetson, Rodger Lull do not believe weatherport-type structures should be permitted.

Rand Makowski does not believe weatherport-type structures should be permitted.

Public comments: Marie Rossmiller

- Discuss camping ordinance

Rand Makowski reports that he has had numerous people come to him about the Schellenberg's camper. ZB member Rodger Lull wondered why Rand is dealing with this and how it fell under his jurisdiction as the building inspector. ZB Member Ramon Reed does not believe this is a zoning board issue – a violation of the camping ordinance should go to the Board of Trustees.

Chairman Brian Holt read from regular Town meeting minutes (May 2018) where Ralph Bush stated that he gave permission to Jake Schellenberg to stay in his RV while his home is being built. ZB member Ramon Reed stated that there was no quorum and no meeting, therefore there is no permission. ZB member Jesse Garetson believes Ralph was outside of his authority to grant permission alone. ZB member James Sharpton stated that camping is the Town Board's issue.

Public comments: Patrice Boyd

OLD BUSINESS:

- Adopt final draft variance request form

Motion to adopt variance application form made by Ramon Reed. Seconded by James Sharpton. Motion failed 2-3. ZB members Ramon Reed and James Sharpton case yea votes. ZB members Jesse Garetson, Rodger Lull and Brian Holt case nay votes.

ZB member Rodger Lull took issue with the statement "non-conforming to the land." He wants the statement to reflect that the properties were made non-conforming by the zoning code. He would like it

to say, “non-conforming properties by ordinance.” Clerk Sara Gibb suggested “and properties made non-conforming by ordinance.” Rodger Lull agreed with this wording.

ZB member Jesse Garetson thought there was to be a signature line added. He also wondered how the zoning board is to determine what is an adequate amount of light and air. There was some discussion regarding this item, and the item regarding how the request may adversely affect the neighborhood.

ZB member Rodger Lull would like “does the request adversely affect the neighborhood” to be removed.

ZB member James Sharpton suggested accepting the first page of the form.

Motion to strike “It will not impair an adequate supply of light or air to adjacent property light to the adjacent property” and instead end with “it will not increase the danger of fire, snow shed, or otherwise endanger public safety made by Chairman Brian Holt. No second.

There was discussion regarding non-conforming properties.

Motion amended – Motion to approve variance request form as amended* made by Brian Holt. Seconded by Jesse Garetson. Motion carried 5-0.

*Amendments: Add signature line, on page 2, strike “It will not impair an adequate supply of light or air to adjacent property light to the adjacent property” and instead end with “it will not increase the danger of fire, snow shed, or otherwise endanger public safety.”

“These are special circumstances or conditions...that are peculiar and non-conforming property and structure for which the variance is sought.”

- Review Zoning code amendment process

Chairman Brian Holt would like all ZB members to read and understand the process for amending the Zoning code and come to the table with suggestions as to the most efficient way to do this.

Ramon Reed would like Brian Holt to contact the Town Attorney and request legal input on the zoning code.

ADJOURN Chairman Brian Holt adjourned the meeting at 8:46pm