

**TOWN OF GREEN MOUNTAIN FALLS
PLANNING COMMISSION MEETING
MINUTES OF REGULAR MEETING - TUESDAY, MAY 10, 2011**

The meeting was called to order by Chairman Kosley at 6:00 p.m.

ATTENDANCE: Turnbull - present Lowndes - present
 Krall - absent LoCascio - present

APPROVE MINUTES FROM APRIL 26, 2011 M/S Lowndes/LoCascio to approve the minutes. All yea

Chairman Dave Kosley called the Public Hearing to order at 6:03 p.m.

PUBLIC HEARING: REQUEST FOR VARIANCE TO FENCE HEIGHT REGULATIONS OF 6'; REQUEST FOR AN 8' SIDE FENCE HEIGHT - 10715 Ute Pass Avenue Property Owner, Chris Martinez was present. Martinez is requesting a variance to the 6' maximum fence height. He would like to construct an 8' x 42' section of fence on the side of the property adjacent to Ann St. He stated that the fence will assure privacy for a courtyard area. The driven portion of Ann St. is considerably higher than the residence so a 6' height would not offer relief from dust and traffic noise. Martinez plans on matching the color of the fence to the residence. The site was posted with a Public Hearing Notice. Five informational packets were sent to residents within 100' of the property lines. Two letters have been returned in favor of the variance.

There being no further comments from the petitioner, audience members or the commissioners, the public hearing was closed at 6:06 p.m.

Findings discussed by the Planning Commission:

- there were no objections received for the variance from neighbors.
 - granting the variance will not be contrary to the public interest.
 - granting the variance will not diminish property values for adjacent neighbors.
- M/S Lowndes/Turnbull to recommend approval of the fence height variance to the Board of Trustees. All yea**

Chairman Dave Kosley called the Public Hearing to order at 6:10 p.m.

PUBLIC HEARING: REQUEST FOR A FRONT SETBACK VARIANCE TO REPLACE EXISTING DECK AND CONSTRUCT A NEW DECK - Property Owners, Brandi Simon and John Ruble Henderson: 10757 Mountain Avenue submitted the variance request application. They are requesting a variance to the 15' front property line setback requirement. The new deck will be 9' back from the property line at the closest measurement instead of the required 15'. The size of the proposed deck will be 12' which will be 4' larger than the existing deck. The petitioner is relocating the stairways on the side of the residence and needs the additional square footage. They would also like to utilize the deck more often by adding a patio table and chairs. The site was posted and six informational packets were sent to residents within 100' of the property lines. Three letters in favor of the variance have been received; one letter opposing the setback variance was received from Joyce and Evan Herold, 10765 Foster Avenue. Evan Herold was present and stated that variances tend to be granted not because of a hardship but as a convenience. His relayed that his grandfather built the cabin and his

family has been vacationing there for generations. He did not favor maximizing the density of the neighborhood. He pointed out how densely occupied the Mountain Avenue neighborhood is and the smallness of the existing lots on the street. He felt that this variance would create problems for his family's privacy and quality of life. He discussed the history of the property with barking dogs consistently on the deck and past residents not respecting neighbors' right to peace and quiet. Herold stated it would be a different situation if the deck was in the rear of the property where it would not be overlooking other residences.

There being no further comments from the commissioners, the petitioner or audience members, the Public Hearing was closed at 6:22 p.m.

Findings discussed by the Planning Commission:

- **there were three neighbors in favor of the granting of the front setback variance and one neighbor in opposition.**
 - **granting the variance will not be contrary to the public interest.**
 - **granting the variance will not diminish property values for adjacent neighbors.**
- M/S Kosley/Lowndes to recommend approval of the front setback variance to the Board of Trustees. Kosley, Lowndes, Turnbull in favor; LoCascio did not vote due to a conflict of interest.**

CONSTRUCTION DRAWINGS FOR NEW DECK- 10757 MOUNTAIN AVENUE

John Ruble Henderson and Brandi Simon had presented construction drawings for the deck. It was their hope that the drawings could be approved prior to the approval of the variance because their contractor had a scheduling problem. Chairman Kosley stated that the Commission could not approve the start of construction until after the variance proceedings were complete but would approve the drawings as submitted and reviewed. The drawings have been reviewed by Regional Building and are awaiting Planning Commission approval. **M/S Kosley/Turnbull to approve the construction drawings for the deck as submitted. All yea**

REVIEW OF CONSTRUCTION DRAWINGS FOR A 20' X 29' CARPORT AT THE REAR OF THE PROPERTY ON FLORENCE AVENUE

10720 Grandview Avenue: Peter Kolar, Property Owner M/S Kosley/Lowndes to table for engineer's report. All yea

REQUEST FOR A SIDE AND REAR SETBACK VARIANCE FOR CONSTRUCTION OF A 20' X 29' CARPORT AT THE REAR

OF THE PROPERTY ON FLORENCE AVENUE M/S Kosley/Turnbull to table for more information to be submitted. All yea

REVIEW AND DISCUSSION OF ZONING PROCEDURES FOR CHANGE OF USE IN A BUSINESS DISTRICT - 6875 HOTEL STREET; PROPERTY OWNER, TIM LANGE

At the 4/26/10 meeting, the Planning Commission requested that the Town Clerk contact the owners of the commercial building at 6875 Hotel Street and have the owners attend the May 10, 2011 meeting. The commissioners wanted clarification on current ownership and the owners' current use of the building. Property owner, Tim Lange called the Town Clerk on Tuesday afternoon, 5/10/11, explaining that he plans to close on the sale of the building in the first week of June and sell to Kathy Wilson and Jerry Stuhlsatz. Lange is traveling out of the country and will perform the sale by proxy.

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Wilson and Stuhlsatz were present at the meeting and presented a scope of work dated 5/10/11 to the Planning Commission listing items that had been repaired due to broken water pipes.

There have been delays due to the completion of insurance covered repairs to the building. Wilson and Stuhlsatz were Stuhlsatz stated that no permit work had been done. They did confirm that they have moved into the building and are aware of the zoning requirements for multiple apartments in a commercial zone.

Stuhlsatz requested three or four weeks to proceed with the sale. Then, as owners, they will submit to the Planning Commission their intent for the building's use. It was stated that they would like to live in one section and possibly leave the other section as commercial use. They understood that there was limited parking at the site which inhibited some of the business concepts they were thinking of. The public hearing process was reviewed with them. The Planning Commission would request that the El Paso County Health Department be contacted and the septic system that was located by Stuhlsatz be recorded with the Health Department who will have input on the system based on the potential change of use. The Commission requested that Lange submit legal authorization to Wilson and Stuhlsatz so that they may continue with the zoning process.

The Commission requested that the dump truck owned by Brett Wyatt be removed from the property as well as the refuse piled on the side of the building by the fence.

OTHER BUSINESS: The clerk presented Municipal Code, Article III, Section 18-61 through 18-78, Revocable Permits for Planning Commission review.

CORRESPONDENCE: No correspondence was received that required Commission discussion or action.

The meeting was adjourned at 7:00 p.m.

David Kosley, Chairman

ATTEST: _____
Chris Frandina, Town Clerk/Treasurer