

Newcomb Community Center

Remote participation via ZOOM please use Meeting ID: 373 281 9188

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**MINUTES**

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**1. Call to Order: Chairperson Ed Pianalto called the meeting to order at 7:00pm**

**2. Public Comments: None**

**3. NEW BUSINESS:**

1. Discuss and vote to approve minutes of the 12/9/24 Zoning Board Meeting and 12/17/24 Zoning Board Special Meeting.

**Motion by Zoning Board member Jesse Garetson: Accept the minutes of the 12/9/2024 and 12/17/2024 Zoning Board meeting with the two words added. Seconded by Zoning Board member Ed Herman. Motion carried 4-0.**

- Discuss with possible action on Zoning Change Request for 601 State Street (Pitkin Train Depot)

Property Owner Jake Schellenberg stated he sees the value that the Train Depot brings to Pitkin. He would like to make it period correct. It had been turned into a house and was poorly done. He considered an air b&b but he does not think that's the best use. He would like it to be a more public building, but the Zoning must change to legally accommodate people coming through there and having a slight revenue stream. He would like the Zoning Board to tell him why this is a bad idea. Zoning Board member Rodger Lull asked if Jake had purchased the property to the NE of the depot as well. Mr. Schellenberg stated that he had not. Zoning Board member Ed Herman asked what Mr. Schellenberg's plans for the exterior. Mr. Schellenberg stated that the property currently has a large deck. That would be a nice place to have chairs for people to sit and have coffee. There isn't room between the patio and State Street because it sits at a zero setback. An interior wall was removed. Mr. Schellenberg would like to put an addition on the back side of the Depot for the bathroom so the original Depot has its original footprint without modifications. He has considered modifying the outhouse so it looks like an outhouse from the outside but has a bathroom inside. Zoning Board member Jesse Garetson stated that Main Street was the original business district but when the railroad came through, the Depot became the hub. He sees this as an improvement. Through the years, every time we talk about "Zoning" he questions the number of residences in the business district. HE also considers the number of businesses out of homes. He doesn't see a problem with having a residence in a commercial area or a business in the residential area due to the uniqueness of Pitkin. We are constantly reminded of the challenge of meeting budgets. The sales tax has improved since businesses in Town have been purchased and improved. The Town keeps getting more and more requests for snow plowing and finding more places to spend money. Financially, he feels like encouraging all the sales tax that is possible. He is in favor of rezoning that segment of ground to the business district. Zoning Board member Ed Herman is also in favor. Zoning Board member Rodger Lull stated that it's getting real commercial on that block up to the Silver Plume. He wondered if there was any thought given to asking those residents if they want commercial zoning. Residences could stay, but owners would have options. Spot zoning means "your neighbor can't do what you are doing." He thinks the Board should consider allowing them to know what's going on and working in that direction. Zoning

Board member Ed Pianalto stated that the Depot has been the heart of the Town since 1881. When it arrived, it became the hub. For Mr. Schellenberg to take on a project like this is a really neat idea. He understands that it's currently in residential. Back in the day, there was no difference between residential and business. We have to deal with that today. He also looked at the statute on spot zoning. It's fairly clear that a municipality is not to rezone when it can only affect one person. There are some examples when Towns have been able to change to commercial, given in some examples the historic nature of the building. It could be spot zoning. Maybe the Town would look to increase the Zoning for business more than just one area. Maybe from 6<sup>th</sup> Street to 9<sup>th</sup> Street. Behind the Depot along Main is commercial, so there is commercial property next to it. He believes Mr. Schellenberg answered all required questions in his documentation. Zoning Board member Rodger Lull agrees with rezoning 6<sup>th</sup>-9<sup>th</sup>.

Zoning Board member Jesse Garetson stated that through the years, we have looked and considered the fire ditch/culvert on 6<sup>th</sup> is much closer to the property line than the ditch is. If the ditch were to be moved closer to the deck and run upstream parallel to that boundary, we can bring it with ease all the way to 7<sup>th</sup> Street with virtually no earth moving except make a ditch and fill in a ditch and move a couple culverts. The parking on State Street would benefit not only the Depot but also 4<sup>th</sup> of July and Pitkin Day. The Town should consider all that stretch on ditching. Sixth Street is 66 feet wide. By moving the ditch upstream on 6<sup>th</sup> Street and moving the alley culvert which is non-existent due to fill-in, we could obtain more parking on 6<sup>th</sup> Street. It wouldn't be hard to make parking on both sides of 6<sup>th</sup> Street. He has been considering this as soon as Mr. Schellenberg made this proposal.

Zoning Board Chairperson would like to hear from the Town Attorney if spot zoning is an issue if it's an historical building or if it's not, proceed with just doing the depot. If it is an issue, look at State Street from 6<sup>th</sup> Street to 9<sup>th</sup> Street and rezone the whole thing. He has an either/or recommendation.

Zoning Board member Jesse Garetson agrees with consulting the attorney but would like Mr. Pianalto to restate the question that would be for the attorney. Chairperson Ed Pianalto would like to hear from the Town Attorney on exceptions to the spot zoning statute. If that's allowed or if he's had some previous cases where that was allowed.

Zoning Board member Jesse Garetson asked if spot zoning would apply if they rezoned 6<sup>th</sup> Street to 9<sup>th</sup> Street. He believes comments were encouraging of that. He doesn't see any bad ill effects on residences there.

**Motion made by Zoning Board member Jesse Garetson: Make a recommendation to the Board of Trustees that we accept the petition from Mr. Schellenberg with the Depot and add to that not only the Depot's lots being commercial but also the Mountain Side of State Street all the way up to 9<sup>th</sup> Street. Seconded by Zoning Board member Ed Herman. Motion carried 4-0.**

Public comments: Pete Olson, Tom Gibb, Suzy Metzler

- Discuss with possible action on Zoning Code proposal revisions:
  - The following items were reviewed and modified as needed:
    - Above Ground OWTS Marker Fee Exemption (in Definitions) – Needs to added into Zoning Code
    - OWTS Fence Setbacks – Section 12E
    - Review Section 20 & 24 for consistency
    - Review Section 18A – Building Permits
    - Review Appendix "A" – Inspection Lists, Electrical, & Plumbing Permits
    - Identify items to be sent to Town Attorney for clarification – Can the Town accept zoning complaints from residents and property owners only?
    - Review and discuss which version of UBC or IRC to be used

- Review, discuss, and possible action on next steps for proposed updated Zoning Code Revisions.

**Motion by Zoning Board member Rodger Lull: Table until next meeting. Seconded by Zoning Board member Jesse Garetson. Motion carried 4-0.**

**4. OLD BUSINESS:**

- Discuss updates to the Building Permit spreadsheet and update OWTS Data and review any new permits or closed permits, along with permits that are beyond 2 years old that require an update letter from the property owner.

Updates were discussed.

**5. ADJOURN Motion to adjourn: Zoning Board member Ed Herman. Seconded by Ed Pianalto. Meeting adjourned at 8:38pm**