

Newcomb Community Center

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

MINUTES

1. **Call to Order:** Chairperson Ed Pianalto or Vice Chairperson Jesse James Garetson called the meeting to order at 7:02 pm. Zoning Board members Rodger Lull and Jesse Garetson were present via Zoom. Zoning Board member Ed Herman joined the meeting at 7:06pm. Minutes taken by Clerk Sara Gibb.

2. **Public Comments:**

3. **NEW BUSINESS:**

- Discuss and vote to approve minutes of the 9/9/2024 and 10/14/2024 Zoning Board Meeting.

Motion to approve the minutes of the 9/9/2024 and 10/14/2024 minutes made by Zoning Board member Jesse Garetson. Seconded by Zoning Board member Ed Herman. Motion carried 4-0.

- Discuss and possible action on Variance Request at 312 11th Street – Nasso Property.

Property owner Cory Nasso presented a summary of his request.

Clerk Sara Gibb provided a staff report of her site visit to the Nasso property.

A letter from neighbor Dwight Clayton was read aloud. He opposes the variance request. Zoning Board member Jesse Garetson stated that the fire ditch runs right through the middle of the Nasso property. He doesn't know if there is an easement for the fire/irrigation ditch so he wants to be as fair as possible to the home owner. 11th Street is very wide. Quartz Lane, which is not opened, is not his [Mr. Nasso's] property.

Cory Nasso stated that 11th Street is 66' wide. It's approximately 30' from his driveway to the driving portion of 11th Street. One can pull in and park on Town property. There is approximately 15' on the upstream side between the driving surface and the property line.

Zoning Board member Rodger Lull stated that the Zoning Board can't give 0' setbacks. He would like to see exactly what they're dealing with and why the 0' setback is required to make this work.

Zoning Board Chairperson Ed Pianalto stated that there is nothing in the Zoning Code that prevents the Zoning Board from approving a 0' setback.

Zoning Board member Rodger Lull disagrees.

Zoning Board member Jesse Garetson stated that in the past there have been 0' setbacks elsewhere in the Town. In the past, traffic, neighborhood, and challenges were considered. In this case, the fire/irrigation ditch would be included in the list of challenging factors. It appears the gable end would be towards 11th Street, therefore the snow shed would go on either side to the Nasso property.

Zoning Board member Ed Herman asked if the 0' setback would only encroach on the driveway. Cory Nasso stated that the only part of the structure that would be on the property line would be the corner/the drip line. The rest of the structure would encroach but would not be on the property line. Zoning Board Ed Herman stated that this seems negligible and would not affect anyone else. Mr. Nasso stated that he's been considering and working on these house plans with an architect for 6 years.

Zoning Board member Jesse Garetson stated that drip line vs. foundation should be considered. Mr. Nasso added that ditch access would not be affected by the structure.

Zoning Board Chairperson Ed Pianalto wondered if the Town would ever develop 11th Street to the center of the plat. He stated this would take an enormous amount of work.

Zoning Board Chairperson Rodger Lull read from the Zoning Code (Section 18-2-d). The property has been impacted by Town issues such as the fire/irrigation ditch. He does not believe the Zoning Board has the final say due to setback being against Town property.

Zoning Board member Ed Pianalto concurred that this request would need to be heard by the Board of Trustees.

Motion to recommend that the Board of Trustees approves the variance request made by Cory Nasso for a 0' setback to the 11th Street property line made by Zoning Board member Ed Herman. Seconded by Zoning Board member Jesse Garetson. Motion carried 4-0.

Public comments: Dwight Clayton

- Review, discuss, and possible action on next steps for proposed updated Zoning Code Revisions.
 - Town Clerk to provide a packet containing Zoning Code Revisions and revised Forms

Zoning Board member Jesse Garetson asked about site visits for permits. Clerk Sara Gibb explained the difference between verifying setbacks and a quasi-judicial procedure. Zoning Board member Jesse Garetson then asked if the Town Attorney had been consulted on any Zoning Code changes. These will be sent to the attorney at one time after the Zoning Board determines what questions remain after tonight's meeting.

Zoning Board chairperson Ed Pianalto stated that he wants to go through the Code page by page.

Zoning Board member Rodger Lull asked if this could be discussed at a future meeting so everyone could be more prepared. Zoning Board chairperson Ed Pianalto stated that he didn't believe the entire code would be reviewed tonight.

There was discussion about moving forward with reviewing the edits. Zoning Board member Jesse Garetson stated that he doesn't have his notes because he was unexpectedly kept away from Pitkin and his notes are located in Pitkin.

Zoning Board member Ed Herman is comfortable waiting until January to review but he also has the ability to review the document this evening.

Zoning Board chairperson Ed Pianalto would like to add the date of discussion to changes within the Zonin Code revision to allow for easier reference. There was discussion about reviewing the document at a work session vs. reviewing the document at the January regular Zoning Board meeting.

Chairperson Ed Pianalto and Clerk Sara Gibb will meet on January 2nd or 3rd to review the document and add discussion dates.

Motion to table this item until the Chairperson and Clerk can meet to add additional notes made by Chairperson Ed Pianalto. A work session will be scheduled if necessary, or the item will be revisited at the January regular Zoning Board 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.
 - Update Letter from 409 Main Street Property Owner – Gibb

Chairperson Ed Pianalto reviewed updates to the building permit spreadsheet. Zoning Board member Jesse Garetson was pleased with all the “completions” on the spreadsheet.

5. ADJOURN: Motion to adjourn made by Zoning Board member Ed Herman. Seconded by Zoning Board Chairperson Ed Pianalto. Motion carried 4-0. Meeting adjourned at 8:13 pm.