

ZONING BOARD MEETING
At the Newcomb Community Center

June 15th, 2020 at 7:00PM

Minutes

CALL TO ORDER/Roll Call – Jesse Garetson. Zoning Board members Rodger Lull, Jesse Garetson and Ramon Reed were present.

NEW BUSINESS:

- Approve minutes of 2/17/2020 Zoning Board meeting

Motion to approve the 2/17/2020 minutes made by ZB member Ramon Reed. Seconded by ZB member Rodger Lull. Motion carried 3-0.

- Discuss street vacation request and develop a recommendation for the Town Board of Trustees

ZB member Jesse Garetson reminded the Board that they have no decision-making power but have been tasked with making a recommendation to the Board of Trustees.

ZB member Jesse Garetson read the vacation request. Clerk Sara Gibb read the list of items for the Zoning Board to consider (within the right-of-way vacation policy). ZB member Ramon Reed stated that in general, he is not in favor of the Town vacating streets or alleys. In the past, vacations have been a land trade situation.

Items to consider:

1. Will the vacation be a benefit to the public interest? ZB member Ramon Reed stated he could see no benefit. ZB member Jesse James stated that the benefit to Town would be financial.
2. Will the vacation result in any parcel of land being denied direct access? ZB member Ramon Reed sees no issue here. ZB member Jesse Garetson agrees with ZB member Ramon Reed.
3. Does the subject street or alley or part thereof abut any body of water? ZB member Ramon Reed does not see any relevance for this item. He pointed out that the parcel does abut the ditch. ZB member Jesse Garetson pointed out that the opportunity for a variance considers mountain property and he believes this should be on the vacation procedure. He stated further that the ditch is temporary.
4. Will the vacation result in an alleviation in a hardship for the petitioner? ZB member Ramon Reed does not see any hardship presented in the application provided. He expressed that even with vacating the street, the newly created 4-lot site would likely not be “developable” due to the hillside and the location of neighboring wells and OWTS. ZB member Rodger Lull [7:20-7:27] presented two maps of Town. He stated that when the Town was originally planned, the individuals along the edges of Town and along the river [Quartz Creek] have less property due to geographical features. He would like the Town to assist property owners in making their lots more usable. ZB member Jesse Garetson stated that the street in question is approximately 6956 sq. ft. which, when combined with the existing two lots (over

- 6,000 sq. ft.), allows for building
5. Would the vacation be detrimental to future land development opportunities, traffic circulation, recreational access, emergency services, utility facilities, or other similar right-of-way purposes? ZB Ramon Reed stated that the Town may or may not need that property in the future and suggested a parking area as a possible future use. ZB member Jesse Garetson sees no issues.
 6. Would the proposed street or alley vacation have detrimental aesthetic impacts? ZB Ramon Reed stated he did not see any. ZB member Jesse Garetson stated that the property currently looks well-maintained.

ZB member Jesse Garetson wanted to know if anyone had an idea of the value of the lots. Applicant Alicia Archuleta shared that she estimates the assessed value at just over \$5,000 based on the value of the neighboring two lots. ZB member Jesse Garetson shared a value estimate based on recent sales and a 25ft x 125ft lot.

Applicant comments: Alicia Archuleta stated that the family has taken care of the platted street even though it is not their property. She stated that the Town would see an increase in property tax if the street is vacated. She stated it would be a relief knowing that the property belongs to them. The family would experience a hardship if a parking lot was to be put in between their lots. Currently the Archuletas do not have building plans. Fred Archuleta stated that they are willing to purchase the property and pay taxes on the property.

ZB member Jesse Garetson asked if any member would like to make a recommendation. ZB Ramon Reed stated again that he is not in favor of the Town disposing of property. ZB member Jesse Garetson stated that each case should be considered based on its own merit. ZB member Rodger Lull would like to see a hardship, such as inability to build. Applicant Alicia Archuleta stated that they would like to get the street before they make other plans.

ZB member Jesse Garetson would like to recommend that the BoT move forward with the application. ZB member Ramon Reed stated that at this point, he recommends that the Board not approve the application. He suggested that the Archuletas withdraw the application and resubmit it as a swap – their lower lots for the street. This would put the burden of dealing with the encroaching barn (encroaches on lot 2) onto the Town. If the Archuletas were to propose a swap, he would vote that the Town should approve that request. ZB Jesse James stated that the average depth of the street is 6 feet less than the average of the lower lots (1-2). ZB member Jesse James asked ZB member Ramon Reed how a swap would benefit the public interest and pointed out that it would give the Town another encroachment to deal with. Applicant Alicia Archuleta asked, “what would benefit the Town more at this time? The land or the money for the budget?” She also pointed out that if a swap were to take place, any future request to vacate would involve a neighbor. ZB member Rodger Lull restated his position that he would like to see a hardship and a plan. He would like the Town to develop a plan for vacating that is more encompassing than looking at one property at a time – for example, he would like all properties on “the fringe” to be dealt with similarly. He referred again to his map of Pitkin and listed several issues with how the Town was surveyed. ZB member Rodger Lull stated that before the Town gives away streets or alleys he’d like to know where they are. He shared that the hotel was used as a reference point because it is one of the oldest structures in Town. ZB member Ramon Reed amended his response to consideration item #1 – he stated that yes, it is in the public interest to combine lots and eliminate a non-conforming lot.

Final recommendation: ZB member Ramon Reed – deny the application; ZB member Rodger Lull –

ZB member Ramon Reed made a motion to recommend denial of the application to the Board of Trustees. No second, motion died.

ZB member Jesse Garetson made a motion that the Zoning Board recommend approval of the application for vacation from the Archuletas to the Board of Trustees. Seconded by ZB member Rodger Lull. Motion carried 2-1. ZB member Ramon Reed cast a nay vote.

Public comments: Doug Bower, Eddy Balch, Debbie Henley, Kathy Dardio

ZB member Ramon Reed expressed that he would like the meetings to be held electronically.

ADJOURN: Meeting adjourned at 8:35pm

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