

ZONING BOARD MEETING
At the Newcomb Community Center

June 29th, 2020 at 7:00PM

MINUTES

CALL TO ORDER/Roll Call – ZB member Jesse Garetson called the meeting to order at 7:02pm. Zoning Board members Doug Bower, Rodger Lull, Jesse Garetson, Ramon Reed and Kathie Dardio were present.

29 individuals present including the 5-member zoning board. Nine individuals declined masks or entered the meeting after it began and were not directly offered masks. Signs stating that masks are required were placed on all entrance doors.

NEW BUSINESS:

- Discuss and vote to elect a Chairperson

ZB member Kathie Dardio made a motion to nominate Jesse Garetson to serve as chairperson. Seconded by ZB member Doug Bower. Motion carried 4-0.

Chairperson Jesse Garetson offered masks to those in the audience without masks.

- Discuss and vote on variance request for 311 6th Street

Clerk Sara Gibb read the description of the variance requested and the answers to statements on page 2.

ZB member Kathie Dardio stated that based on her reading of the Zoning Code the lot in question is irregular. She stated that increasing the building size should be approved. The new building size would still meet setbacks. Well and septic would be considered and approved separately as appropriate.

ZB member Rodger Lull [7:14-

ZB member Ramon Reed wanted to discuss whether this is considered “new construction” under section 17. He believes that this request is too early to approve because the property does not yet have an engineered OWTS and well approved. He further stated that he does not believe that there is a problem with physical narrowness or shallowness as required by the code, but rather with the size. He stated that the code was written to allow existing non-conforming properties to continue but not to expand.

ZB member Rodger Lull stated that he doesn’t believe the 100 ft setback between a well and septic can be met. Property owner Todd Adams stated that this was not true.

ZB chair Jesse Garetson read from Section 14 C. ZB Kathie Dardio pointed out that by expanding this building, it would reduce the non-conforming degree based on the building size. He further read from section 18. He stated that the primary responsibility of the Zoning Board is to ensure the public health, safety, and welfare. In this event, there is not yet enough

information to make a decision. He would like Mr. Adams to proceed with having a septic system engineered. He would be in favor of approving any request to increase the value of their property, increase taxation, enhance the beauty of the town, and protect the ground water and neighbors.

ZB Doug Bower asked how long it takes to get an engineered report. (several weeks)

Property owner Todd Adams stated that he was able to locate the pins and based on the shape of the property and the hypotenuse, he is confident that a system would meet the requirements. The neighboring property is a dry cabin and is on 5 lots.

ZB member Doug Bower doesn't see a problem letting Todd initiate his addition during the short summer building season.

Property owner Todd Adams does not believe that adding square footage increases the degree of non-conformation of a property – setbacks will still be met.

Motion to approve the variance request to add 450 square feet to the existing cabin and allow property owner to continue with his building plans made by ZB member Doug Bower. Seconded by ZB member Kathie Dardio. Motion 4-1. ZB member Ramon Reed cast a “nay” vote.

Motion to amend made by ZB member Ramon Reed. Mr. Reed wanted to add “No building or structure shall be erected, moved, or structurally altered unless a permit for said work has been issued by the Town building inspector. No second, motion died.

ZB member Rodger Lull wanted property owner Todd Adams to confirm that the addition does not include a bathroom. Property owner confirmed that this is correct.

Public comments: Chris Nasso,

- Discuss and develop recommendations (if warranted) for proposed cell phone tower placement (to replace current tower)

ZB Chair Jesse Garetson asked if this company might be interested in putting the tower on Town property so the Town could potentially gain revenue.

Clerk Sara Gibb shared that from her communication with Mr. Levie, the new tower will also be a monopine. The current tower is approximately 50 feet.

ZB member Ramon Reed stated that when the original tower went in, there was no discussion regarding a franchise fee. He stated that according to the 2012 zoning code, utility poles are excluded from the definition of a structure. He would recommend to the Town Board to look into a franchise fee. He believes that someone, preferably the building inspector, should review the plans from an engineering standpoint. He would like an opinion from the building inspector that this is a safe plan for the Town.

Clerk Sara Gibb should ask if a service such as Comnet should be charging sales tax – Ask DOR. Franchise Fee?

ZB Rodger Lull does not see anything within the Zoning Ordinance that affects the installation of this tower.

ZB member Ramon Reed confirmed that this tower is a utility pole and suggested that a dictionary be consulted about the definition of a utility pole.

Clerk will recommend that Town Council look into the tower as a possible revenue source.
Clerk will point out that Pitkin is in Gunnison County and not Pitkin County.

ZB member Ramon Reed would like to know if there is any liability for the Town in approving this tower.

Public comments: Eddy Balch

Next meeting – 3rd Monday of July (7/20/2020) at 7pm

ADJOURN: Meeting adjourned at 8:33pm.

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at least 48 hours prior to the scheduled meeting