

Zoning Board Meeting

January 15th, 2024, at 7:00pm

Newcomb Community Center

MINUTES

1. Call to Order: Chairperson **Jesse James Garetson** called the meeting to order at 7:00pm. Zoning Board members Ed Herman and Ed Pianalto were present. Zoning Board member Rodger Lull was present via Zoom. Zoning Board member Gayla Gibb was absent. Minutes taken by Clerk Sara Gibb.

2. Public Comments: None

3. NEW BUSINESS:

- Discuss and vote to approve minutes of the 12/18/2023 Zoning Board Meeting.

Motion to approve the minutes of the 12/18/2023 Zoning Board Meeting as amended made by Zoning Board member Ed Pianalto. Seconded by Zoning Board member Ed Herman. Motion carried 4-0.

- Discuss and vote on a variance request to build a roof over the front porch of the Pitkin Hotel.

Contractor Phil Duetsch was present at the meeting to answer any questions. Zoning Board chairperson Jesse Garetson stated that the form was filled out well. Zoning Board member Rodger Lull said that this is all in the hands of the Town Council because this is on Town property. Zoning Board member Ed Herman asked if this would be grandfathered because there was an awning over the porch in the past. Zoning Board chairperson Jesse Garetson stated that he was unclear on whether the Zoning Board has authority to approve variances. He is frustrated because he doesn't know where the Zoning Board's jurisdiction starts and stops. Zoning Board member Ed Pianalto presented photographs of the Pitkin Hotel, one of which shows the historical awning. He also showed pictures that show the covered porch on the post office and another building with a covered porch. He asked Phil Duetsch if delaying the awning approval is problematic. Mr. Duetsch stated that it would be nice to begin fabricating for the awning but he is fine with waiting 3 weeks to get this done right. Zoning Board chairperson read through the questions/answers on the variance application. He asked for a motion to send this to the trustees.

Motion to send the variance request to the Trustees with no objections made by Zoning Board member Rodger Lull. Seconded by Zoning Board member Ed Herman. Motion carried 4-0.

- Follow up on our discussion and vote of the recommendation to the Board of Trustees, confirmation from the new Town Attorney that he agrees with the recommendation from Schumacher and O'Laughlin regarding the House Bill 22-1362 Energy Code adoption received July 12, 2023.

Zoning Board chairperson asked if there was any information on whether Mayor Balch had asked the attorney to look into this. Clerk Sara Gibb does not have any information on the status of the request. Zoning Board chairperson Jesse Garetson thinks it's pertinent that the attorney weigh in. There was discussion about how to present this question to the Board of Trustees. The Zoning Board members agreed to have Zoning Board member Ed Pianalto email Mayor Balch and ask him to place this question on the agenda for February.

- Discuss and vote to send to the Board of Trustees the Building Permit Violations that are open beyond the two-year time frame with no response for an update from the Owners.

Zoning Board chairperson Jesse Garetson stated that the attorney may need to assist with interpretation of the 2022 code. Nowhere does it state that there is any kind of penalty for this. It's straightforward in his book. He is unsure how to make a move on this until the attorney can resolve the conflict. Zoning Board member Rodger Lull stated this is not a Zoning Board issue but rather the building department. Building permits don't expire, as far as he's concerned. They require a 2-year update. He isn't sure exactly where the Zoning Board is going with this. Seventy-five percent of homeowners are out of state. A lot of construction is done over a period of many years. It's difficult to get all the subcontractors to finish. He doesn't know if this is a problem for Tom, the building inspector. Final inspections are important for a house if you're going to live in it. He isn't sure why there's a 2-year timeframe on building something. It's very difficult in a seasonal building situation like what we have in Pitkin. Zoning Board chairperson Jesse Garetson agrees. This is not to the point of making a legal action. It says in the 2022 code, that if the building project is not completed in 2 years, updates must be made to the Zoning Board yearly. Zoning Board member Ed Herman thinks it's not unreasonable to send a letter of intent. Zoning Board member Ed Pianalto states that this particular building permit starts in 2008. Then in 2009 there was a 2nd permit and in 2012 a third permit was issued. He pulled the State of CO permits and reported on those. There is still an outstanding electrical permit that is expired. They simply asked for a letter. Clerk Sara Gibb asked the Zoning Board to confirm that they received the email from Sheron Owen that she forwarded. Zoning Board member Ed Pianalto stated that he had the email with him this evening. Zoning Board member Rodger Lull stated that it's possible that building will never be complete. The building is likely to be sold at some point.

What happens to the building permit then? Does it go with the building? Zoning Board member Ed Pianalto stated that there can be a lot of speculation, but the Zoning Board only wanted to know the plans. He wants to send this to the Board of Trustees. Zoning Board chairperson Jesse Garetson stated that the Zoning Board has spent enough time on this. He asked if there were just two outstanding permits. Zoning Board member Ed Pianalto confirmed that there were two. He then stated that he re-read Sheron's email and stated that he would be open to drafting an email or letter to her, giving her the information that the Zoning Board is looking for. He doesn't want to send a response on behalf of the Zoning Board without the Zoning Board approving the letter. Chairperson Jesse Garetson then stated that he has a copy of an email that Zoning Board member Gayla Gibb sent to Ms. Owens. He understands that Gayla sent a letter of apology. He then read the email aloud and stated that this stirs a pot he doesn't like to get in. He doesn't know why Gayla sent her this email. If she [Gayla] were here he would ask her.

Zoning Board member Ed Pianalto stated that given the letter that was just read, this should go to the Trustees. This Board acts as a board. Zoning Board chairperson Jesse Garetson stated that he didn't want to bring the letter up but it came to light.

Move to send to the Board of Trustees the building permit for Sheron Owens that has been open for years, given the light of a single board member responding, and request that the Board act on this immediately made by Zoning Board member Ed Pianalto. Seconded by Zoning Board member Ed Herman. Motion carried 3-1. Zoning Board member Rodger Lull voted no.

Zoning Board member Rodger Lull is not sure why this is in Zoning. This is a building issue. They issue permits and they go forward. The Trustees is not much different. If there has been a violation, then yes, but not sending in a report on where your project is not a violation. Zoning Board chairperson Jesse Garetson stated that there is not a violation except not following through with requests for updates per Section 17H.

Zoning Board member Ed Herman asked if there have been any actual inspections. Zoning Board chairperson Jesse Garetson stated he did not think there were any inspections. Zoning Board member Ed Herman has a problem with this. Zoning Board member Ed Pianalto stated that this is one of the problems he saw in building, and this is why he wanted to create the spreadsheet. As far as whether this is the Zoning Board's responsibility, permits are in the Zoning Code so it is their responsibility. Zoning Board chairperson Jesse Garetson stated that the spreadsheet should eliminate problems.

Zoning Board member Ed Pianalto stated that the original permit for Michael Ebert was for jacking the house and adding supports. It is listed as a remodel. Clerk Sara Gibb

stated that she believed this permit was closed. The Zoning Board would like to hear this from Mr. Ebert.

Zoning Board chairperson Jesse Garetson would like the Trustees to handle this.

Motion to send Michael Ebert's permit from 2017 to the Board of Trustees for review made by Zoning Board member Ed Pianalto. Seconded by Zoning Board member Ed Herman. Motion carried 3-1. Zoning Board member Rodger Lull voted no.

Zoning Board member Rodger Lull asked what the Board of Trustees is supposed to do with this information because there is no violation. He is unsure why there is a vote to do this. Zoning Board member Ed Pianalto stated that they are waiting for the legal interpretation on whether permits expire. They have been waiting on this for two months. Zoning Board chairperson Jesse Garetson would like to get these items off the agenda. The Zoning Board doesn't have the jurisdiction to take this any further.

- Discuss and vote on Zoning Code proposal revisions for the recommendation to the Board of Trustees (Limit to 60-minute discussion – ongoing process)
 - Section 21. Amendments and Zoning Change Requests. (Swap 7. and 8.) – Discussed and agreed upon by the Zoning Board 4-0.
 - Amend Section 5 to mention Appendix “B” Current Zoning Map – Discussed and agreed upon by the Zoning Board 4-0.
 - Clarifying Lanes/Alleys (Section 12. C & D) – Discussed and agreed upon by the Zoning Board 4-0. The Zoning Code will list alley/lane in Section 12 C, D.
 - Zoning Code Complaint Form to remove anonymous complaints from the form. – Zoning Board chairperson Jesse Garetson stated that he knows Zoning Board member Gayla Gibb is against removing anonymous complaints and that she has received “revenge” complaints. He is concerned about vendettas and retaliation, which he believes are “terrible.” Zoning Board member Rodger Lull would like to have a way out so as not to take every complaint seriously unless enough information is provided to give advice or point people in the right direction.
Motion to change the zoning complaint form so it reads at the bottom of the form “this form must be completed in its entirety and then submitted to thetownofpitkin@gmail.com or P.O. Box 9 Pitkin, CO 81241. That in effect removes off the current form the way it's stated “if you wish to make an anonymous complaint for the Zoning Board to respond in a meaningful and effective way. The Zoning Board may choose not to respond to anonymous complaints” made by Zoning Board member Ed Pianalto. Seconded by Zoning Board member Ed Herman. Motion carried 4-0.

Zoning Board member Ed Pianalto wants to clarify which version of the International Residence Code is used (Appendix A). Zoning Board chairperson Jesse Garetson asked if the Zoning Board should also address floors, insulation, etc. in Appendix A.

Zoning Board member Ed Pianalto stated that there may be more interior remodels going forward and asked what should be included there. Maybe a final inspection should go back into the code.

The following items were tabled until the next Zoning Board meeting.

- Renewal of Building Permits beyond the two-year completion and update Fee Schedule to reflect Building Permit Renewal a (Section 17)
- Demolition Permit for the demolition of a structure and update Fee Schedule to reflect fees for a Demolition Permit (Section 17)
- Section 19: Violations Subsection B. – Clarify responsibility for drafting and mailing certified letters.
- Section 18: B: Duties and Powers. - Clarify responsibility for drafting and posting of meeting notices.

4. OLD BUSINESS:

- Discuss updates to the Building Permit spreadsheet and update OWTS Data and review any new permits or closed permits.

Zoning Board member Ed Pianalto updated the spreadsheet with the latest information he had as of January 12th. At that time the Building Inspector stated that there was one permit. Zoning Board chairperson Jesse Garetson stated that there is some work going on up on River Street. There are no concerns with 2023 permits. No change to 2022 permits. OWTS report from EHA Gayla Gibb was read. Various OWTS were discussed. There was discussion about the permit for the Benbow family in 2021. It is unclear what the permit was for. There was discussion about the Tunnell permit from 2021. Zoning Board chairperson Jesse Garetson stated that it should be considered complete. There was discussion about Mr. Hoffelder's container. Zoning Board chairperson Jesse Garetson stated that he received a text from Zoning Board member Gayla Gibb about a receipt. He is unclear what that means exactly and wonders if Mr. Hoffelder could have a receipt from the Town.

5. ADJOURN: Motion to adjourn made by Zoning Board member Rodger Lull. Seconded by Zoning Board member Ed Pianalto. Motion carried 4-0. Meeting adjourned at 9:10pm.