

**Town of Bayfield**

**Regular Planning Commission Meeting**

**July 12, 2011**

**1199 US Highway 160B Bayfield, CO 81122**

**Planning Commissioners Present:** Michelle Nelson (Chair), Dr. Rick K. Smith (Mayor), Joe Mozgai, Chris Rhodes, Gabe Candelaria (Town Board Member)

**Planning Commissioners Absent:** Pat Heyman

**Staff Present:** Chris La May (Town Manager), Marianne Jones (Town Clerk), Elizabeth Jackson (Town Intern)

**Media Present:** None

Meeting was called to order at 7:03 p.m.

**Minutes:** Joe corrected the spelling of his last name (with a z instead of an s). Rick moved to approve the minutes from the April 12<sup>th</sup>, 2011 Regular Planning Commission meeting as corrected. Gabe seconded the motion. All were in favor. Motion passed unanimously.

**General public input:** Marianne introduced the new Town Manager, Chris La May. She said that he is from Elizabeth, Colorado and that he was hired 6 weeks ago by the Town Board. Chris said that he was glad to be there.

**Action Agenda Item #1: Public Hearing: Variance Request – Rokfur Construction, LLC 815 Hickory Ridge – Parcel #567712322012 Section 12 T34N 7W NMPH**

Marianne gave her staff report. She stated that the Town was approached by Jeff Searles, with Rokfur Construction, who built a home on Lot 118 of the Mesa Meadows Subdivision (529 Hickory Ridge). When the Improvement Land Certificate was done at the completion of the home, it was discovered that the home was encroaching into the set-back. This lot is zoned R-10 so the setbacks are 20' in the front & back & 10' on each side.

The ILC reported that the home is built with a set-back of 7'8" on the northwest corner of the lot. This means that the home was built 2'4" into the required setback.

Marianne stated that the Town is currently withholding the requested Certificate of Occupancy (CO) on this home until this matter is resolved. In speaking to the builder, it

was reported that his lot did not have any property pins on the backside of the lot. However, there were pins for the bordering lot on Mississippi Drive. Marianne explained that when he measured for the foundation, he took the measurement from the east corner pin of 718 Mississippi Drive (assuming that it was his property pin).

Marianne said that this has been a reoccurring problem. The Town Board has approved two plat amendments in the Fox Farm & Cinnamon Heights developments due to this same type of issue and a similar set-back variance was approved by the Planning Commission in 2006 for the property located at 529 Hickory Ridge.

Due to this, Town staff has decided to modify the Building Permit Process to require builders to provide an Improvement Land Certificate prior to pouring concrete for any new foundations. This means that once the foundation is formed & ready for concrete, the builder will have to get a surveyor to the property site to survey and make sure that the building, when constructed, will meet the code requirements for setbacks, easements, etc.

This survey will be required prior to receiving sign-off from the Building Inspector to allow concrete to be poured.

Marianne stated that this issue should not have occurred and that it places a large burden on the Planning Commission, who must make a decision on a potential financially devastating situation. Without the variance being granted, the Town, the lot and the structure will be burdened by a “cloud” on the title of the property, potentially making the home unsellable.

Marianne said she received comment from several agencies. One comment came from Bayfield’s Public Works Director, Ron Saba, who said that he did not foresee any problems but wanted to see the building permit process change to require an ILC to ensure such a problem does not occur again. Mike Shave, the Town’s Building Inspector, said that the setback verification is almost impossible without an Improvement Land Survey on lots that have structures built to the minimum setbacks, but that this would make things easier. USA Communications reported that the issue would not create any concerns as long as the remaining easement was left in tact. Staff did not receive any responses from Source Gas or La Plata Electric (LPEA) or Qwest Communications.

Michelle asked if the Planning Commission was being asked to decide on two separate issues.

Marianne explained that the Planning Commission was only being asked to decide on the request for a setback variance.

Joe asked how soon Marianne would be able to get the permit changed.

Marianne said the next meeting would most likely be in August and she hoped it would take place before then. She also stated that applicant has two more homes that he is

building in Mesa Meadows and that those two properties are on setbacks. Due to this, she has required an ILC prior to construction. The building Inspector agreed to enforce it.

Marianne commented that there wasn't much of a burden being imposed on the builders. She said that applicant was also willing to accommodate and work with the Town.

Applicant apologized for the mistake. He commented that he has always gotten an ILC before construction.

The matter was opened for public comment.

James J. Sanders, 718 Mississippi Drive, (the bordering lot) introduced himself as a Board member at Mesa Meadows. He said he supported applicant's decision and that he hoped the Planning Commission would accept the variance request.

Marianne said she also received a letter from Mr. Bob Barnhart who was also in favor of the easement encroaching on his lot line.

Rick said that this was an unfortunate situation and that the Board and staff were taking the right approach. He commented it was part of the growing process for the Town.

Joe said he supported the request as long as the building permit change was implemented quickly.

Rick made a motion to accept staff's recommendation and grant the requested variance to allow the new structure located at 815 Hickory Ridge, to encroach into the setback by 2 feet and 4 inches subject to the following condition: that builder complies with the Improvement Plan Certificate for any new homes. Gabe seconded. Motion passed unanimously.

**Action Agenda Item #2: New/Unfinished Business:**

Michelle said there was a seat that needed to be filled to replace Bob McGraw.

Marianne said she would put that in the newspaper this week.

Joe made a motion to adjourn. Rick seconded.

The meeting was adjourned at 7:16 p.m.

*Minutes were approved as submitted on September 13<sup>th</sup>, 2011.*

**Approved:**

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Michelle Nelson  
Chairman

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Elizabeth Jackson  
Management Intern