

**Town of Bayfield
Planning Commission Minutes
September 9, 2014
1199 Bayfield Parkway, Bayfield, CO 81122**

Planning Commissioners Present: Joe Mozgai (Chairman), Troy McAllister (Vice Chairman), Dr. Rick Smith (Mayor), Isaac Fleener and Matt Nyberg

Staff Present: Chris La May (Town Manager), Amy Witte (Administrative Assistant)

Media Present: none

The meeting was called to order by Chairman Joe Mozgai at 7:00 p.m.

Roll Call: 6 present, 1 vacancy

Pledge of Allegiance

Approval of Minutes: Mayor Smith made a motion to approve the minutes of the July 8, 2014 meeting as presented. Commissioner Matt Nyberg seconded the motion. All were in favor; motion passed unanimously.

Public Input: None

Public Hearing-Side yard setback variance request- 282 E. East Drive

Town Manager Chris La May gave a brief description of the request for variance. The applicants constructed a standalone pole barn on the east side of their property. The structure was partially constructed within the ten foot side yard setback. The encroachment was brought to the attention of the Town Manager through a verbal complaint from neighboring property. Town Manager La May and the building inspector visited the site to look at the building in question and spoke of two solutions:

1. Removal of the structure
2. Variance allowing the encroachment

Applicant submitted a request for variance from the ten foot setback requirement.

There were two letters from neighboring property owners, supporting the variance. Town Manager La May asked that the letters be included in the record for the public hearing.

Chairman Mozgai opened it up to the public for comment.

Eva Tate who resides at 308 East East Drive stated that she has no objections to the variance.

Brenda Marshall commented that she was present due to a request by her parents who received a letter regarding the variance and came to get more information and had to objections.

Linda Curtis who resides at 282 & 290 East East Drive said she would like to see the variance approved to rectify the situation.

Joe Jenkins who resides at 244 East Drive said he has shared a fence with the property for 14 years without any trouble and wants to maintain the neighborly atmosphere.

With no further comment from the public Chairman Mozgai closed the public portion and asked for comments from the board.

Action Agenda item #1: Side yard setback variance request- 282 E. East Drive

Commissioner Nyberg asked Staff to identify the neighbor who complained.

Town Manager Chris La May declined to specifically identify the neighbor, and stated that upon discovery the Town was compelled to take action.

Mayor Smith commented that the complaint was right, the applicants have gone about the situation in a correct manner and he concurs with Staff to approve the variance.

Vice Chairman McAllister made a motion to grant the variance for a 7 foot side yard setback for 282 E. East Drive and find that this variance; and for the preservation and enjoyment of the right to use the property, in accordance with approved uses, and in a similar fashion as properties in the neighborhood, this variance for a reduction in the east side yard setback to 7 feet may be granted without detrimental impact on the public welfare or injury to the property or improvements in the vicinity. Commissioner Fleener seconded the motion.

Chairman Mozgai asked for a vote, roll call was done and all that were present were in favor. The motion carried.

Action Agenda Item #2- Discussion Town Street Sales Tax Measure:

Town Manager Chris La May brought everyone up to date by explaining that the 1% Street Fund Sales Tax measure ballot language was presented and approved by the Town Board. La May wanted the Planning Commission to understand the details of the request and provided a presentation to the Planning Commission explaining the request.

Chairman Mozgai asked how long did it take the Town to get to this point where we need so much repair. Town Manager Chris La May responded saying that the Town has taken over new roads, some of which were not built to withstand the amount of traffic, as the Town grew.

Mayor Smith commented that without the tax measure the street maintenance impact would be large, and that the previous Town Board had no money set aside for the roads and ended up taking it from other areas.

Chairman Mozgai commented that most locals go elsewhere for large items so the burden of the sales Tax would fall on those who spend summers using the road, grocery store and other area businesses. Chairman Mozgai also wanted to know if any motels or grocery stores were looking

at building in Town. Town Manager Chris La May said there were no plans that he is aware of, but that the Mercy Medical has been positive for the community and that a small food manufacturer has plans on coming to town.

New/Unfinished Business

Commissioner Fleener asked about the property north of Dove Ranch. Town Manager Chris La May stated that there were obligations from the prior owner that would be passed on, noting a 10 year vested interest in property entitlements.

Town Manager Chris La May apologized for not presenting the Ordinance, the Town Attorney Jeff Robbins wanted to look at it and the publication deadline was missed.

Town Manager Chris La May continued that for the Cargo ordinance, Staff would like to meet informally with the owners with existing cargos so that they are aware of the ordinances intent.

Chairman Mozgai commented to Town Manager Chris La May that it may be a good idea to have a “refresher” course for the Commissioners since there are some new, that way they are aware of the job. Town Manager Chris La May thought that it would be a good idea.

Commissioner Nyberg asked if there was any new on Fox Farm Village, Town Manager Chris La May commented that there has been an application to evaluate the historical significance of the “Tower” owned by La Plata County Community Development as they have tried to give it to the Town, but the Town wasn’t interested in owning it.

Adjournment

Mayor Smith made a motion to adjourn the meeting. Vice Chairman McAllister seconded and the motion passed unanimously. Meeting was adjourned at 7:50 p.m.

Approved:

Joe Mozgai, Chairman

Amy Witte, Administrative Assistant