



REGULAR BOARD OF ADJUSTMENTS MEETING MINUTES
DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
January 27, 2022

Chairman Mark Roeber called the meeting to order at 5:30 p.m. in the Administration Building Commissioner's Meeting Room.

ROLL CALL

Board of Adjustments Members in Attendance:

Mike Twamley, District 1
Brett Hilling, District 2 (via Zoom)
Mark Roeber, District 3

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Planning & Community Development Planner I, Kate Kelly
Delta County Planning & Community Development Planner I, Angie Kemp
Delta County Planning & Community Development Administrative Assistant, Kim Henderson

Director Holm introduced Angie Kemp who started as Planner I for Delta County this week.

A. PUBLIC COMMENT

None

B. AGENDA ADDITIONS, DELETION, AND CORRECTIONS

Mike Twamley requested Item D "Board Comment, Requests and Referrals" be inserted after item C "Approval of Consent Agenda".

C. APPROVAL OF CONSENT AGENDA

Item #1:

Meeting Minutes for October 21, 2021 (Special Meeting) and October 28, 2021.

Motion/Seconded:

Mike Twamley moved to approve the action minutes as presented. Brett Hilling seconded the motion.

Action:

Motion carried unanimously.

D. BOARD COMMENT, REQUESTS AND REFERRALS

Mike Twamley asked if the Director could clarify the Land Use Code (LUC) as it pertains to overlay zones and where the Board of Commissioner's stands regarding lot size and density.

Director Holm explained Table 2.a LUC refers to lot size a "generally." The purpose statements in Table 2.a for A-35 and A-20 state that parcels of land are generally 35 or 20 acres or more (respectively). "Generally," in this context recognizes that some parcels designated A-35 or A-20 on the zoning map were smaller than what is required when the map was adopted, and they are legal lots per the LUC.

Table 3.a LUC specifically establishes the minimum lot area, width, and frontage required. For A-35 the minimum lot size is 35 acres, A-20 is 20 acres, etc. Subdivision where any lot does not meet this minimum standard requires a variance. New lots created with a variance to lot size are required to meet standards for the UGA zoning district.

Recently, the Board of County Commissioners has had discussions regarding the Land Use Code in regards to the zoning and density matter. They have discussed adding a Residential zoning



designation that will allow for higher density, to be considered in areas where the County wants to have the ability to have more lots under the 5-acre minimum. That would be a change to the LUC for possible future consideration, and the BOA might want to provide input.

SCHEDULED ITEMS:

Item #1 PLN21-021/Cottrell

Consider variances to lot size for a 2-lot subdivision (Minor Plat) in the A-5 zoning district: Lot 15A (1.305 acres), Lot 15B (1.0 acre). The property is located at 16627 2500 Road, Cedaredge (Parcel: 319238101010).

RECOMMENDATION: Staff recommends that the Board of Adjustment (BOA):

- Consider the required variance criteria/findings as they apply to PLN21-021/Cottrell;
- Provide direction to staff on the BOA's intent to Approve/Conditionally Approve/Deny a variance(s) for the lot size of two parcels (PLN21-021/Cottrell), presented as a Minor Plat creating two (2) parcels in the A-5 zoning designation as part of a 2-Lot subdivision located on the west side of 2500 Road north of Cedar Mesa Road and Q25 Road, Cedaredge; and
- Continue the matter to February 24, 2022 and direct staff to prepare a resolution reflecting the BOA direction.

Motion/Second: Mike Twamley moved to deny PLN21-021/Cottrell Minor Plat. Brett Hilling seconded the motion. The Commissioners expressed concern with setting a precedent for this neighborhood. By allowing the smaller lots, it could affect the property values in the area as the subdivision was created for 2+-acre lots.

Action: Motion carried unanimously.

Director Holm explained that the final action will be when the BOA adopts a resolution (next meeting). At that point, the applicant has 10 days to file an appeal.

Item #2: PLN21-071/Armstrong

Consider variances to lot size for a 5-lot subdivision (Preliminary Plat) in the A-20 zoning district; Lot 1 (2.286 acres), Lot 2 (2.162 acres), Lot 3 (1.227 acres), Lot 4 (0.863 acres), Lot 5 (31.048 acres). The property is located at 15627-15767 Bull Mesa Road, north of Hamilton Road (Parcel: 3195-362-00-013), Cedaredge.

RECOMMENDATION: Staff recommends that the Board of Adjustments (BOA):

- Consider the required variance criteria/findings as they apply to PLN21-071/Armstrong;
- Provide direction to staff on the BOA's intent to Approve/Conditionally Approve/Deny variance(s) for the lot size of four parcels (PLN21-071/Armstrong), presented as a Preliminary Plat creating five (5) parcels in the A-20 zoning designation located at 15627-12767 Bull Mesa Road, north of Hamilton Road, Cedaredge; and
- Continue the matter to February 24, 2022 and direct staff to prepare a resolution reflecting the BOA direction.

Motion/Second: Brett Hilling moved to approve PLN21-071/Armstrong 5-lot subdivision with staff recommendations and Scenario 1 provided Lot 4 be increased to a minimum of 1.0 acre and, if necessary, setback variance(s) to allow existing buildings on Lots 4 & 5 to remain. Mike Twamley seconded the motion.

Commissioners expressed concern with precedent but recognized this was developed prior to the Land Use Code and settling a family estate could be decided by the court with no County input.

Action: Motion carried unanimously.

E. DEPARTMENT REPORT:

Director Holm reported on the following items:

- The Board of County Commissioner's held a workshop relative to updating the Land Use Code. One item of discussion will be the Density issue.



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

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- b. The Board of County Commissioners approved an appeal of the Board of Adjustments decision regarding PLN21-020/Becker-Beeson where the Board of County Commissioners removed a condition requiring a building envelope on the large remaining lot.

Meeting adjourned at 7:20 p.m.

The next meeting will be held on Thursday, February 24, 2022 at 5:30 pm in the Delta County Administration Building, Delta, CO.

Respectfully submitted by:
Administrative Assistant, Kim Henderson