



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

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**MINUTES
BOARD OF ADJUSTMENTS
SPECIAL MEETING
DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
November 17, 2022**

Chairman Mike Twamley 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
Delta County Code Compliance Officer, Everett Neil
Delta County Engineer, Tim McCracken

A. PUBLIC COMMENT

None

B. AGENDA ADDITIONS, DELETION, AND CORRECTIONS

None

C. MEETING MINUTES

- a. Regular Board of Adjustment meeting of October 27, 2022
RECOMMENDATION: Approve the action minutes as presented.

Mark Roeber moved to approve the meeting minutes as presented. Brett Hilling seconded the motion.

Motion carried unanimously

D. PUBLIC HEARING ITEMS:

- Item #1 PLN22-045 (Schiros)
Consider a variance to reduce the minimum setback of a gated entry from the required 35 feet to 28 feet. A gated entry has been constructed at 15805 – 15801 Black Bride Road about 100 feet south of a 1-lane bridge near Paonia. (Parcel: 318732200041).
RECOMMENDATION: Staff recommends that the Board of Adjustment (BOA):
- a. Consider required variance findings as they apply to PLN22-045 (Schiros);
 - b. Provide direction to either Approve or Deny a variance reducing the required setback from 35 feet to 28 feet for an existing gate located at 15801 – 15805 Black Bridge Road, Paonia (Parcel: 318732200041/Schiros).
 - c. Authorize the Director to prepare a Resolution reflecting the BOA direction, including evidence relative to the required findings.
- Planner, Angie Kemp and County Engineer, Tim McCracken presented the project. Jeff and Karen Schiros, applicants, were in attendance



The Board asked questions of staff and the applicants relative to the access and local road/traffic conditions.

Mark Roeber moved to approve PLN22-045 with staff recommended findings and conditions. Brett Hilling seconded the motion. The Director noted that this was a final decision for the variance, so now Planning can process the permit.

Motion carried unanimously.

Item #2

PLN22-057 (Kent)

Continued from June 23, 2022. Consider a variance to reduce the required lot size from 35 acres in the A-35 zoning district to five (5) acres. The subject property is located at 13420 County Road 265, Paonia (Parcel: 292303400003).

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

- a. Consider required variance criteria and findings as they apply to PLN22-057 (Kent);
- b. Provide direction to either Approve, Conditionally Approve, or Deny lot size variance for one (1) lot in the A-35 zoning designation located at 13420 County Road 265 (Parcel: 292303400003, Northumberland Group LLC); and
- c. Authorize the Director to prepare a Resolution reflection the BOA direction, including evidence relative to the required findings, and conditions (as applicable).

Planner, Kate Kelly presented the project. Mr. Stephen Kent, applicant, was in attendance

The Board asked questions of staff and the applicant relative to septic and water. The Director noted that this was a final decision for the variance, so now Planning can process the subdivision (Minor Plat).

Mark Roeber moved to approve PLN22-057 with staff recommended findings as well as the condition the septic systems be permitted. Brett Hilling seconded the motion.

Motion carried unanimously.

Item #3

PLN22-065 (R. Thompson/Wacko Springs Ranch LLC)

Consider a variance to reduce the required lot size from 35 acres in the A-35 zoning district. The subject property is 36.99 acres located southwest of Ash Mesa Road with access from/through 1987 Spring Drive, Delta (Parcel: 349313100018).

RECOMMENDATION: Staff recommends that the Board of Adjustment (BOA) continue this matter and provide direction on:

- a. Access/Easement
- b. Lot Design
- c. Water
- d. Responsible Parties (Applicants)

Planner, Kate Kelly presented the project. Mr. Rand Thompson, applicant, was in attendance

Several neighbors spoke regarding their concerns with the proposed design using the access easement. A couple of people spoke in favor of the application. Mr. Ken Emrick will be purchasing a lot from Mr. Rand Thompson if the subdivision is approved was present and spoke in favor of the subdivision. Mr. and Ms. Pike who border Mr. Rand Thompson's property also spoke in favor of the subdivision. Ms. Gwen Welsby Conrad was present and stated how the easement across her property is restricted to farm ground and one (1) residence. Staff clarified the access Easement is between Mr. Thompson, Mr. and Ms. Pike and Conrad and Welsby. Staff also answered the question that the agricultural lot can be placed into a Conservation Easement or a Stewardship Area should Mr. Thompson decide to do a Clustered Subdivision.

The Board asked questions of staff and the applicant. Mr. Thompson stated that his intent is to create two lots for sale to a couple people that work on the farm and the remainder would not be developed.



Staff clarified that this is a 3-lot subdivision with no restriction on Lot 3. However, staff explained an option as a clustered subdivision with a Stewardship Area and/or Conservation Easement where variances are not required. Staff also clarified, the responsible parties to, and restrictions of, the easement as recorded so access needs to be addressed.

Brett Hilling moved to deny PLN22-045. Mark Roeber seconded the motion. The Director noted that the applicant can either appeal the decision to the BoCC or meet with staff to review options to redesign it to address the issues (e.g., clustered subdivision).

Motion carried unanimously.

Item #4

PLN22-071 (McCracken)

Consider variances to reduce the required lot size from a 20.0 acre minimum in the A-20 zoning district. The subject property is a 2.61-acre parcel located at 3386 & 3390 Old Wagon Road (Parcel: 345736402001), Delta.

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

- a. Consider required variance criteria and findings as they apply to PLN22-071 (McCracken);
- b. Provide direction to either Approve, Conditionally Approve, or Deny lot size variance(s) to subdivide a 2.61-acre lot into two (2) lots in the A-20 zoning designation located at 3386 & 3390 Old Wagon Road, Delta (Parcel: 345736402001/McCracken):
 1. Lot 1 (1.55 Acres)
 2. Lot 2 (1.06 Acres)
- c. Authorize the Director to prepare a Resolution reflecting the BOA direction, including evidence relative to the required findings, and conditions (as applicable).

Planner, Angie Kemp presented the project. Vernon and Lela McCracken, applicants, were in attendance

The Board asked questions of staff and the applicants.

Mark Roeber moved to approve PLN22-045 with staff recommended findings and conditions. Brett Hilling seconded the motion. The Director noted that this was a final decision for the variance, so now Planning can process the subdivision (Preliminary Plat).

Motion carried unanimously.

E. BOARD COMMENT, REQUESTS AND REFERRALS

None

F. DEPARTMENT REPORT

Planning Director, Carl Holm provided an update on the following:

1. There are currently 3-4 items scheduled for December 15, 2022, so there will be a meeting.
2. The Planning Commission approved a Certified Copy of the 2022 Land Use Code Update on November 16, 2022. There was language added into the Land Use Code to add a Planning Commission member to serve as the Member-at-large positions on the Board of Adjustments. The Certified Land Use Code removed the language in reference to Variance to Lot Size. The BOA will hear Variances to other standards like setbacks as well as any Appeals of the Planning Director's decisions. The BoCC will consider the Certified Land Use Code on Wednesday, December 7, 2022 at 8:30am.

Meeting adjourned at 7:10 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson