



A regular meeting of the City of Delta Planning Commission was held on Monday, August 1, 2011 at 6:30 p.m. in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting posted in accordance with the Sunshine Law.

PRESENT: Gerald Roberts, Chairperson; Bill Raley, Commissioner; Tish Oelke, Vice-Chairman; Carl Jahn, Commissioner; Patrick Dearmin, Commissioner; Richard Simmons, Commissioner; Ginni Selby, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Executive Secretary.

ABSENT: Gary Burnett, Commissioner.

GUESTS: Jim and Glenn Hollis; Frankie Wood.

CHANGES TO THE AGENDA

There were no changes to the agenda.

WELCOME TO NEW PLANNING COMMISSION MEMBER

Chairman Roberts welcomed new Planning Commission member Ginni Selby.

MINUTES

A motion was made by Pat Dearmin, seconded by Richard Simmons to approve the minutes of the Planning Commission held on Monday, May 2, 2011 as written. All voted yes. Motion passed.

CITIZEN COMMENTS

No citizen comments.

VARIANCE 239 PALMER STREET

The Planning Commission considered a variance request at 239 Palmer Street.

Chairman Roberts opened the public hearing.

Glen Black, Community Development Director, reviewed the variance request with the Planning Commission. The applicant is requesting a variance from the property line building setback requirements of 17.04.220.B.1 of the City's Municipal Code. The applicant is requesting to enclose, for additional living space, an existing porch (carport) type structure which is currently attached to the main structure as a legally non-conforming use. The side of the building (house) is built approximately 3' from the side property line; the OR zone district (17.04.220 Table) requires a 10' side setback for office use. Non-conforming uses, under City Municipal Code 17.04.280.C.4, do not allow alterations which would increase the amount or degree of the non-conforming feature.



Additionally, Mr. Black stated that there were three additional petitions received after the staff report was completed, with a total of five petitions received, all in favor of approving the variance. Mr. Black also informed the Planning Commission that the proposed variance would not enlarge the size of the use; however it would increase the degree of use.

Jim Hollis, applicant, informed the Planning Commission that the building is currently being used as a business and a residence. Additionally, Mr. Hollis stated that when they purchased the property there was a deck located in the area proposed to be enclosed for living space and that the warranty deed listed the area as enclosed. Mr. Hollis also informed the Planning Commission that the proposed enclosure would be built to current building codes and a building permit would be applied for.

The Planning Commission and staff discussed the lot size and it was determined that the lot is also a non-conforming legal use. Mr. Black stated that if the variance is approved that the neighbors view or the view from the street would not notice a change and that the structure and non-conforming use was in place when the applicant purchased the property.

Frankie Wood, 224 Palmer Street, informed the Planning Commission, that as a neighbor he was okay with approval of the variance.

Chairman Roberts closed the public hearing.

The Planning Commission discussed the proposed variance and concurred that most of the criteria for granting a variance had been met including: the variance will not adversely affect the public health, safety and welfare; unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question: unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest; the variance will not result in development that is incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.

A motion was made by Carl Jahn, seconded by Pat Dearmin, to approve the variance request at 239 Palmer Street to allow construction within the setback requirements of 17.04.220 of the City's Municipal Code with the following conditions: the side of the building remains the same, that the footprint not be enlarged and that construction is consistent with building code. All voted yes. Motion passed.

COMMISSIONER COMMENTS

All commissioners welcomed Ginni Selby to Planning Commission.

STAFF COMMENTS

Glen Black, Community Development Director, also welcomed Ginny Selby to the Planning Commission.



ADJOURNMENT

A motion was made by Carl Jahn, seconded by Pat Dearmin to adjourn the regular meeting of the City of Delta Planning Commission. All voted yes. Motion passed. The meeting was adjourned at 7:03 p.m. with no further action taken.

Sharleen R. Walker, Executive Secretary