

TELLER COUNTY BOARD OF ADJUSTMENT

REGULAR MEETING

7:00 p.m., Wednesday December 18, 2013

**Council Chambers – City of Woodland Park Administration Building
220 W. South Avenue, Woodland Park, Colorado**

I. Order and Roll Call

Chairman Dyer called the meeting to order at 7:00 p.m. and the following answered roll call.

Arrived Late	Mr. Bernie Diesen (Regular Member)
Absent	Mr. David Turley (Regular Member – Vice-Chairman)
	Ms. Helen Dyer (Regular Member – Chairman)
	Mr. Mark Mills (Regular Member)
Absent	Ms. Monte Houseman (Regular Member)
	Mr. Brian Walker (Alternate Member)
	Mr. Bill Holbrook (Alternate Member)

Also attending were the following staff members:

Ms. Lor Pellegrino, AICP, Senior Planner
Mr. Chris Brandt, County Attorney

Chairman Dyer appointed Mr. Brian Walker as a voting member for this meeting.

II. Review and Approve Minutes – November 20, 2013

Mr. Bernie Diesen arrived.

Mr. Bill Holbrook moved, and Mr. Mark Mills seconded, that the November 20, 2013 minutes be approved as presented. The motion passed with the following vote:

Yes	Mr. Bernie Diesen
Yes	Mr. Mark Mills
Yes	Ms. Helen Dyer
Yes	Mr. Brian Walker
Yes	Mr. Bill Holbrook

III. ~~Consider an appeal of an Administrative Official's determination that a Boundary Survey prepared by a State of Colorado Licensed Professional Land Surveyor is required as a submittal item for a proposed variance application pursuant to Section 2.12.B.1 of the Teller County Land Use Regulations. Postponed from Oct. 16, 2013~~

- Postponed to March 19, 2014

IV. Consider an appeal for a special exception of the zoning regulations to allow an existing auto body repair shop in the Residential/Mobile (R-1M) zone district as a Home Occupation use on Lot 1, Columbine Ranch Subdivision (1237 Markus Road, Woodland Park).

Chairman Dyer appointed Mr. Bill Holbrook as a voting member for this meeting.

Ms. Lor Pellegrino presented the staff report recommending denial of the appeal for a special exception. She distributed to the Board two letters received after the distribution of the Board packets and provided a brief chronology of events at this site.

Mr. Reinke (1237 Markus Road), Applicant, stated that he purchased the property in 1999 from his father-in-law and has been making every effort to operate the autobody business in compliance. He is not aware of any complaints related to his business and thought that the use was grandfathered due to the length of time it has existed on the site.

Chairman Dyer opened the item for public comment and seeing no one come forward, closed the public comment portion of the meeting and opened the item for discussion by the Board.

The Board discussed other options available to the Applicant, issues of grandfathering, lack of complaints related to this land use, that the small scale and low impact nature of the business may comply with the performance standards of a Home Occupation, that the use pre-existed Mr. Reinke, and that Mr. Reinke appears to be acting in good faith to operate in compliance with all regulations.

Mr. Bill Holbrook moved, and Mr. Brian Walker seconded, that the Teller County Board of Adjustment finds that the use has existed since at least 1976 (and possibly longer) without incident or complaint, that the limited nature, scale and scope of the use is such that it may be possible to comply with the Home Occupation standards and zone district limitations, and that the structure and use create negligible visual impact given surrounding accessory structures, and therefore APPROVES the appeal and grants the request for a special exception of the zoning regulations to consider an existing auto body repair shop in the Residential/Mobile (R-1M) zone district as a Home Occupation use on Lot 1, Columbine Ranch Subdivision (1237 Markus Road, Woodland Park) subject to the following conditions:

1. The Applicant must apply for and receive approval of a Conditional Use Permit for a Motor Vehicle Body Repair Shop as a Home Occupation use in the R-1M zone pursuant to LUR *Section 8 Special Review Use Permits*, including the granting of any necessary (if any) waivers of the Home Occupation standards, and complete with addressing issues regarding water, access, driveways, sewage disposal, lot address, handling of hazardous materials, release of chemical or solvent emissions into the air and other environmental standards and/or regulations, fire department requirements (if any), screening and any other issues that may arise from the processing of a CUP.
2. Pursuant to LUR *Section 8.2.G Time Limits*, any CUP (if granted) shall be limited to this Applicant only and only for Shad's Auto Body, Inc. while it remains in good standing and shall not run with the land. The Conditional Use Permit (if granted) shall be void and null and of no further force and effect if the Applicant moves from this site, sells the business or the lot to some other party, or ceases to use the property for the currently existing auto use.
3. The granting of this special exception in no way implies or guarantees that a Conditional Use Permit will be granted.
4. The granting of this special exception is limited to the size, scale and scope of the use as it exists as of December 18, 2013.
5. All representations in the submittal and at hearings are considered binding.

The motion passed with the following vote:

Yes Mr. Bernie Diesen
Yes Mr. Mark Mills
Yes Ms. Helen Dyer
Yes Mr. Brian Walker
Yes Mr. Bill Holbrook

V. Other Items

Ms. Lor Pellegrino stated that no meeting will occur in January 2014 but that there is at least one item for consideration during the March meeting.

VI. Adjourn

The meeting was adjourned by Chairman Dyer at 7:40 p.m.