



Town of Alpine
Board of Adjustment/Planning & Zoning Commission
MINUTES

DATE: August 9th, 2005

Attending: Board members: Dave Gustafson, Scott Reed, Don Sherman and Paula Stevens. General Contractor: Jeremie Moore of Big-D Construction and secretary.

Board of Adjustment MINUTES

- 1 - CALL TO ORDER at 7:08pm
- 2 - ROLL CALL & ESTABLISHED a QUORUM
- 3 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **Steve Dicenso V-05-05 Variance request** - Steve Dicenso is requesting a variance for residential in B-1 zone. Residential already exists in the building. Dave advised he spoke with Steve and Steve is aware the building of residential in a Commercial without a permit is a separate issue than his variance request. Steve explained again his need for dual use of business use and residential so he could live and work there. Steve explained how he met each state statute. He explained it would be a low-key business and hoped the Board would find it acceptable for that neighborhood. *Paula Stevens motioned to approve Variance #V-05-05 allowing residential in a B-1 zone conditional on 3rd reading of Rezone Ordinance from Town Council, Scott Reed seconded, All in favor.*
- **Western Lands & Homes LLC V-06-05 Variance request** - Western Lands & Homes is requesting a variance for zero setback between two residential units already built. This was originally going to be townhomes. P&Z approved building permit for townhomes. Surveyor Marlowe Scherbel spoke on behalf of Jeff Dupont of Western Lands & Homes. Marlowe presented a letter explaining his variance request (filed with these minutes) which included information of past Council decisions regarding twinhomes, existing twinhome plats approved within the town limits and information regarding the PUD area and why and how it was set up for R-1 and R-2 zoning. He also requested Donn Wooden explain the creation of the PUD areas and the reasoning and actions taken in the past while Mr. Wooden was mayor. Donn Wooden submitted a letter (filed with these minutes) explaining the history of the creation and decisions on the PUD and twinhome issues. Marlowe explained that what Jeff Dupont is requesting has been approved before by the Town and Jeff should be allowed the same opportunity. He said the zero lot line has been allowed before and with the twinhome idea the zero lot line is only on one side of each lot. Marlowe explained what he felt were the benefits to a twinhome concept compared to townhomes, condos, etc. All which have been approved by the Town before.

Don Sherman asked Jeff Dupont if, as per one of the State Statutes, if he did not receive the variance would it deprive him as there is already buildings completed on his property. Jeff answered yes it causes a problem for him, let alone the financial, but to enjoy keeping it or selling it he would be limited how to do so as it's already built. Marlowe asked Don what's the description of "reasonable". Dave said a person cannot create the situation and use that as a hardship. Marlowe said the area was setup to be a R-2 area, Jeff purchased the lot as he understood it to be used as a R-2 and again only the zero lot line is between the two units. The setbacks are respected on all other lot sides. He added that there are no more impacts to the Town or area by being a twinhome or townhome as a duplex, which already exists in area. He said the Board is saying that twinhome is now unreasonable because of the zero lot line, but why is townhomes and duplexes reasonable. New owners agree to the zero lot line when purchases. If they do not want zero lot line, they do not have to purchase a twinhome. Therefore all the uses are reasonable.

Don Sherman questioned the wall between the two buildings. Secretary reviewed original building plans of the Western Lands & Homes buildings and advised it to be 1 hour fire wall between the units, as stated on plans. Also the building permit was approved contingent on that it not be a twinhome. The Board, Marlowe and Donn discussed the PUD area and what it was intended to be zoned during the creation and possible impacts or non-impacts. *Don Sherman motioned to approve Variance #V-06-05, Paula Stevens seconded, Scott Reed in favor, Dave Gustafson not in favor.*

- 4 - ADJOURN MEETING- *Paula Stevens motioned to adjourn Board of Adjustment meeting at 7:55pm, Don Sherman seconded. All in favor.*

continued...

Planning & Zoning MINUTES

- 1 - CALL TO ORDER at 7:55pm
- 2 - ROLL CALL & ESTABLISHED a QUORUM
- 3 - P&Z MINUTES May 12th, 2005, June 14th & June 28th, 2005 *Paula Stevens motioned to approve May 12th, June 14th, and June 28th P&Z minutes, Don Sherman seconded, All in favor.* July 12th & July 26th tabled
- 4 - COUNCIL MINUTES: June 7th, and July 19th *Don Sherman motioned to approve June 7th & July 19th Council minutes, Paula Stevens seconded, All in favor.*
- 5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **Fence Permit #F-09-05 Ernest & Ione Potter** - Potters are requesting a fence permit. Joe approved pins/setbacks. Members reviewed the paperwork. *Paula Stevens motioned to approve fence permit #F-09-05, Don Sherman seconded, All in favor.*
- **Fence Permit #F-10-05 Town of Alpine Softball field fence**- Town of Alpine is requesting a fence permit for softball field area. Joe approved pins/setbacks. Members reviewed the paperwork. *Don Sherman motioned to approve fence permit #F-10-05, Paula Stevens seconded, All in favor.*
- **Remodel/Addition Permit #RE-01-05 Jeff Dupler** - Jeff is requesting a remodel/addition permit for a front covered porch and dormer above garage door. Jeff advised there would be no electrical. Don explained the commission needed proof of the 100# snowload and needed a truss or roof certification. Joe approved pins/setbacks. *Don Sherman motioned to approve remodel/addition permit #RE-01-05 with the condition of receiving a Truss Certification brought before 1st inspection and Rob Wagner to inspect, Paula Stevens seconded, All in favor.*
- **Commerical Building Permit #C-04-05 First National Bank-West** - Jeremie Moore from Big-D Construction is the general contractor for the First National Bank building. He is requesting a commercial building permit for the bank. He has already had his first review with the P&Z and received a checklist of items to complete. He has received approval from Town Council contingent on P&Z's approval; therefore he will not go to Council after this meeting. Joe approved pins/ setbacks. Jeremie submitted engineer stamped drawings and fire marshall approved stamp on plans. Jeremie presented all items from the punchlist he was to answer or bring. He gave a letter from John Hunsaker, advising of his approval re the easement, but P&Z requested the legal document when it was finalized with the attorneys. The truss certification was to be received in a few days and Jeremie will bring that in as soon as he receives. *Paula Stevens motioned to approve Commercial building permit #C-04-05 with 2 conditions: A finalized legal document for access easement received prior to any excavation; and a truss certification received prior to 1st inspection- prior to issuance of the building permit, Don Sherman seconded, Dave Gustafson in favor, Scott Reed abstained due to being employee of Big-D Construction.*
- **Mike Halpin-Alpine Meadows Plat review** - Plat has been approved by Town Council prior to this meeting. Councilmember Steve Fusco voted against as he wanted P&Z to review prior to Council's review as per our procedure. Town Attorney advised Council could approve without P&Z review even though this is the Town's procedure. The Mayor wanted P&Z to still be able to review it even though it's already approved.

The Mayor advised that the density is lower, there are no fences, and a difference of 5%, 30 to 25%, was approved on that basis. Paula said we have less open space and less density. Laura said there is 4 to 500 units available in PUD. They (*Alpine Meadows subdivision*) have 166 units and could be up to 190, but is still under what could be available per the PUD information. Scott asked if in this area, people would be allowed to request variance to later put up a fence. Paula said anyone could request a variance. Laura said the subdivision is governed by CC&R's and is registered with the county. Paula asked if it was too late to put verbage/note on plat regarding the airstrip as the subdivision is right near it. Laura said it would be too late, but notation would be made on purchase or warranty deed paperwork.

Don Sherman said he didn't see the point in this as the Council had already approved it before P&Z reviewed it. It seems like a waste of time. Dave Gustafson said, nothing personal, he wanted to reiterate what Don said, that he didn't see the point in this. He is appalled that this (plat) did not come before this board first, before it went to the Council. That is why they are here. Not to say there would be any changes, but the procedural element of this whole thing blows him away. Mike (*Halpin*) has come forward and preached to this Town that he is straight forward and wants to do the best of this Town. He has been a firm supporter, not at first, but afterwards of what Mike has been wanting to do. When he caught wind of this it just totally blew him away. He is not saying it is her (*Laura Ladd, Mike Halpin representative*), but he is really surprised the Town did this. Why are they (*P&Z*) here, why is she (*Laura Ladd*) here, they just wasted 20 minutes that he could be home with his kids right now. Why are they doing this, it should have come here first and wanted to go on record as saying that. Mayor Dave said he doesn't disagree with him. Dave G. asked well then how did this happen? What is the point? Don S. asked why is it even on our agenda? Dave said what comments we have what does it do? Mayor Dave said his point is well taken and it should have been through Planning & Zoning. Mayor Dave continued that it was brought in through the attorneys and they (*Town*) were advised, according to State Statute, it did not have to go before P&Z. Dave interrupted saying he found that an excuse. He takes that that there was an ulterior motive to doing it. Because why on earth would we be here if

the Town did not want us to review it? The expertise on this board, Paula for one, her planning expertise is incredible, so why an attorney comes in and says Town doesn't have to go this route, why wouldn't the Town say, wait a minute, we want to go this route because this is where our expertise lays. So to him it raises a red flag. Dave asked what is going on? Mayor Dave said he does not disagree and if it happens again, believe him... Dave said he'll leave it at that. Don said he'd like to second that motion. Dave added he is furious about it, it is ridiculous. Dave said he's been on this board for how many years and he's seen people leave in same frustration, he's not making a threat but he's just saying he's seen them leave in the same frustration, and it's politics and it's a bunch of crap. He said he was not directing that at the Mayor but at the whole process. Someone should have said, wait a minute, we have professionals on staff working for pennies a day, that will more than happy to look at this and give their expert advice.

Secretary advised commission that their representative on Town Council, Steve Fusco, did indeed vote against allowing an approval by the Council, before P&Z had a chance to review the plat. Dave said he wanted to be on record to thank Steve for doing that. He is the only one that stood up to make sure this process ran right. Scott said it was confusing to them, if it was a final plat, or preliminary. Paula said she understood it to be a preliminary plat so there would be opportunity for final input from P&Z. Scott said that would have been fine if we knew and he understands his (*Dave*) frustration because we have no questions to answer. We are just being told what's happening. Don agreed that yes that's all this was, and this is not a board for questioning answers, this is a board to resolve building and future planning.

Laura Ladd said maybe we should think about how the process works better in the future. First of all, she understood his concern and was sorry about it. She said they went through Planning and Zoning with Lincoln County, not to say there is not significant expertise in the Town of Alpine, but she would suggest that there is an opportunity to visit with the Lincoln County Planning Department about how to better integrate this process so that they don't feel excluded and we have also met the requirements that the county sets for us to go through the P&Z on that level and she wanted to assure them they spent significant amount of time with the P&Z Commission in Lincoln County reviewing this document.

Don said he would like to see the annexation be voted on by the public and that is the process that should be done and nobody seems to be able to tell him that process or find state statutes that you have to have so many signatures. Dave said Teton County did that. Laura said that she could at least provide him the statutes that dictate the process. Laura continued, just so he knows the petition for annexation for the Alpine Meadows subdivision is non-compliant currently. The statutory requirement has expired. They are still very interested and willing to have them (*Town*) consider that petition for annexation. In the absence of having a hearing and resolution on that issue, they have proceeded with Lincoln County. The secretary advised Laura, regarding her comment on the procedures, that the Town does have a procedure in place that P&Z looks at plats, rezones, anything, before it goes to Council. That's always been our procedure, so talking to Lincoln County about procedurally how to change things, the Town already has the procedure that it comes to P&Z first because they have the expertise that Town Council doesn't have. That's why they have a P&Z in place. Secretary said she doesn't know how it would be structured with Lincoln County on issues like this, but the Town already has a procedure that for some reason was not followed this time.

Laura said from their perspective the issue is the subdivision isn't currently in the Town of Alpine. Dave said his understanding for the Board, he and Paula have talked about this before with Lincoln County, that commercial doesn't come before us, but residential subdivisions should. So Lincoln County should have presented this to us? Paula said in looking at the packet they just received this evening (*secretary advised packet was received 8/8/05 from Lincoln County P&Z*), we have that information that just came in, just today. It is part of this information right here, the Lincoln County's staff report for the Alpine Meadows subdivision PUD. Dave said he was under the understanding that the annexation was still proceeding. Laura said it is, it's been proceeding since last September of last year. Paula advised that what will happen now since the expiration has passed the deadline for getting it to public hearing; the Town would become the proponent for an annexation of this property, rather than coming from the property owner himself. It'll be up to the Town to proceed with it from here. The secretary asked if we (*the Town*) would take on the cost instead of the developer. Paula said it has already been paid for, the reports have already been done, the financial analysis has already been done, the final annexation report now has been done and will need to be put into finalized document, but essentially has already been paid for so there is no additional cost to the community into except the usual advertising and that sort of thing, such as holding the public meeting. Paula said she wanted to make it clear to all the board members, that the process and procedure that was followed here was not something in terms of getting this application before us or the plat for review, it wasn't something the applicant dictated, they are no way responsible for whether or not we saw the plat in a timely fashion. Dave said he agreed with that that's why he directed his frustration towards the Town.

Dave added that this process has been going on for a long time, there is a lot of friction in the Town about this. He thinks it's in Mike's (*Halpin*) best interest, he remembers talking to him (*Mike Halpin*) and he told Dave, that he would bring it forth to P&Z, and go through the whole nine yards, didn't care about the annexation or anything, he was going to make sure the Town was good with it. Dave understands what Paula said, it wasn't his (*Mike Halpin*) responsibility but that this is a delicate issue and if it ever does come up for a vote that Mike (*Halpin*) needs to be watching these things. Laura advised she would pass that on to him (*Mike Halpin*) but hoped that we realized that they did come down and hold a public meeting and invited and notified all the people in the Town of Alpine to please come learn about this plan at a time when they had an opportunity to express comments back to Lincoln County and any concerns about the development itself. There was a form for that. She has personally spoken at least 4 or 5 events, Chamber events, homeowner's meetings, around the Town and Star Valley. It is not their intent to hide any information and will be more than happy if

we proceed, the Town proceeds with annexation to follow any procedures you dictate.

Dave said she sees what he's saying. Laura agreed with him that she did. If a citizen comes up to him and says did you guys review this from Planning and Zoning? No they never had a chance. If it comes to a vote, he's just letting her know. Laura interrupted that yes she knew. Dave thanked her for being there.

6 - UNFINISHED/ONGOING BUSINESS:

- **P&Z ATTENDING COUNCIL MEETINGS:**
 1) August 16th - Paula Stevens 2) September 6th - Scott Reed

7 - ADJOURN MEETING- *Paula Stevens motioned to adjourn the P&Z meeting at 9:12pm, Don Sherman seconded, All in favor.*

AFTER MEETING REVIEWS-

DISCUSSIONS/WORKSHOP-

- **UPDATE- John Hurley R1-04-05** - Rob Wagner reviewed the new truss certification and carport plan. Rob approved all information and it was decided P&Z did not need to review it. All information was added to the building packet.
- **111-Ordinance 2005-01 Emergency Ordinances** - Atty. Carter Wilkinson has given these emergency ordinance drafts for you to review so it can continue to Council for approval. *Paula said that she had advised Carter weeks ago and will get her notes and advise the commission of her conversation with attorney.*
- **Zoning map** - Please see letter from Tracy, clerk. The zoning map needs to be updated. Steve Fusco originally began updating this so you may want to speak with him. *Commission advised Town needs a planner.*

ENFORCEMENT-

- **Dave Pellagatto - #R1-11-04-** Mrs. Pellagatto advised secretary will be making a revision to their permit as they will be adding power. Secretary advised an electrical plan will be needed and then attendance at a P&Z meeting to review for approval. *Secretary to prepare draft letter for chairman.*
- **Bull Moose Saloon- Remodel Bldg. Permit #RE-03-04 re: non-permitted lights-** A letter now requesting proof from the insurance company re: requirements was mailed April 2005. No reply. *Table item until future meeting.*
- **Alpine Variety signage** - Discussion on amount of signs and original sign permit requested all smaller signs be put inside the window. These are still on the outside adding to the allowed sq.ft. *Secretary to prepare draft letter for chairman.*

Items given to P&Z during tonight's meeting:

- Paul Scherbel letter re: Northstar Utility sewage plant
- August 2nd Council minutes
- Lincoln County Staff Report for Meridian Group/Alpine Meadows

Items mailed to P&Z before meeting:

- Diana Taylor fence complaint letter
- Hunter's Maytag Home Appliance Center letter re: billboard sign
- 127 Ordinance No.2005-17 for building fees
- May 10th, June 14th & June 28th P&Z minutes
- July 19th Council minutes
- Legal Notice for Western Lands & Homes LLC variance request
- Legal Notice for Steve Dicenso variance request

Dave Gustafson, Chairman

Date

Attest:

P&Z secretary

Date