



**TOWN OF PAONIA**  
**WEDNESDAY, APRIL 10, 2019**  
**PLANNING COMMISSION MEETING AGENDA**  
**6:00 PM**

**Call to Order**

**Roll Call**

1. Roll Call

**Approval of Agenda**


2. Approval of Agenda

**New Business**


3. Minutes – March 6, 2019
4. Public Hearing: 120 North Fork Avenue – Non-Conforming Lot
5. Public Hearing: 332 Onarga Avenue – Non-Conforming Fence
6. Public Hearing: 511 Box Elder Avenue – Home Occupancy

**Adjournment**

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Roll Call</p>		
<p>Summary: Meeting opening -</p>			
Large empty space for meeting summary			
<p>Vote:</p>	<p>Barb Heck:</p>	<p>Bill Bear:</p>	<p>Monica Foguth:</p>
<p>Lucy Hunter:</p>	<p>Charles Stewart:</p>		
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AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Approval of Agenda</p>		
<p>Summary:</p>			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

AGENDA SUMMARY FORM

Agenda Item # CALL

Minutes – March 6, 2019



Summary:

Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

**Minutes**  
**Planning Commission Regular Meeting**  
**Town of Paonia, Colorado**  
**March 06, 2019**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Planning Commission held Wednesday, March 6, 2019, was called to order at 6:01 PM by Chairperson Barbara Heck, followed by the Pledge of Allegiance.

Roll Call:

Commission members present were as follows:

Barbara Heck  
Lucy Hunter  
Bill Bear  
Charles Stewart

Absent commission members were as follows:

Monica Foguth

Town Staff present were as follows:

Administrator Ken Knight  
Deputy Clerk Amanda Mojarro

A quorum was present, and Chairperson Barb Heck proceeded with the meeting.

**Approval of Agenda**

Motion by Mr. Stewart, supported by Ms. Hunter to approve the agenda as presented. Motion carried unanimously.

**Unfinished Business**

Minutes – February 5, 2019

Motion by Ms. Hunter, supported by Mr. Bear to accept the planning commission minutes for – February 5, 2019, as presented. Motion carried unanimously.

**Special Use Permit - Zimmer - 397 Clark Avenue # A**

Chairperson Barbara Heck opened the meeting to discuss, Mr. Zimmer's special use permit to manufacture pottery at - 397 Clark Avenue # A.

Administrator Knight read off the administrator notes, informing the planning commission members regarding the business that was happening in the residential area at 397 Clark Avenue # A.

Points Informed to Committee:

- I-1 zone requires a special use permit.
- Duration of the manufacturing of the pottery not being recognizable.
- Tenant advertised on Facebook a pottery one-day class.
- The town became aware and informed owner of the requirement that needed to be met.

Discussion ensued the potential impact in the air and water quality, due to potential use of toxic materials during the manufacturing process of pottery.

Mr. Zimmer communicated to the committee members that he is not familiar with the process and assured that the air and water quality is considered not to be impacted. Jasmine tenant at 397 Clark Avenue # A communicated to the committee members there are no toxic materials being used in the process of manufacturing pottery and clay traps have been placed.

Motion by Mr. Stewart withdrawn by Mr. Stewart to recommend to the Board of Trustees approval of the special use permit to manufacture pottery at 397 Clark Avenue # A. Motion carried unanimously

Motion by Mr. Stewart supported by Mr. Bear to recommend to the Board of Trustees approval of the artistic manufacturing of pottery at 397 Clark Avenue # A. Motion carried unanimously

Discussion ensued with much deliberation regarding traffic at 397 Clark Avenue # A and the impact in the surrounding residential area would have.

Traffic Impact Discussion Points:

- Curve cut off warehouse B concerns
- Heavy traffic on Minnesota Rd. and Clark Rd
- Two-way traffic between Minnesota Rd and Clark Rd
- Protection and maintenance of the East side of the Minnesota Rd sidewalk
- Emplace a traffic control sign

Discussion ensued regarding the times and how often workshops will be conducted at 397 Clark Avenue # A warehouses. Mr. Zimmer communicated the time of these workshops would be during evenings and weekends. The warehouse contains (5) five kiln wheels, the use of these wheels is (1) one person per kiln wheel a total of (5) five people attending the workshop.

Motion by Mr. Stewart, supported by Mr. Bear to recommend to the Board of Trustees the approval of a workshop limit of (5) five students (3) three times per month. Motion carried unanimously

Discussion ensued concern regarding the retail sales use in an area zoned industrial with residential use, containing commercial activities.

Discussion Points:

- Kiln opening parties
- Creating a retail center
- The frequency of retail sales

Motion by Mr. Bear supported by Mr. Stewart to recommend to the Board of Trustees approval of an approach apron and traffic control sign at the intersection of Minnesota Avenue curb cut. Motion carried unanimously

Motion by Mr. Stewart supported by Ms. Hunter to recommend to the Board of Trustees approval of limited retail sales activity with limits being determined by the Board of Trustees. Motion carried unanimously

### **Adjournment**

Motion by Mr. Stewart supported by Mr. Bear to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned by Ms. Heck at 6:54 pm


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Amanda Mojarro, Deputy Clerk

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Barbara Heck, Chairperson

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Public Hearing: 120 North Fork Avenue – Non-Conforming Lot</p>		
<p>Summary: Mr. Gruenefeldt requests a variance be granted for the non-conforming lot located at 120 North Fork Avenue. Mr. Gruenefeldt wishes to build a home on the lot, replacing a mobile home removed. The variance is required because more than 12 months have passed since the non-conforming mobile home was removed.</p>			
<p>Staff: Mr. Gruenefeldt would have been able to replace the mobile home if he had acted within 12 months. Removing old out-of-date mobile homes with a site built home approves the appearance and character of the Town. Without a variance the lot is now undevelopable. However, staff believes that variances should be issued only in extreme and unusual circumstances. The Planning Board needs to consider whether or not these circumstances rise to the level of granting a variance.</p>			
<p>Vote:</p>	<p>Barb Heck:</p>	<p>Bill Bear:</p>	<p>Monica Foguth:</p>
<p>Lucy Hunter:</p>	<p>Charles Stewart:</p>		

AGENDA SUMMARY FORM




From ROBERT W. CHILDS. April 1 2019

119 North fork ave.

Paonia Colo. 81428

Ref. Variance Application:

For Michael Gruenefeldt as it is in regard to his applaction for his variance Applaication for 120 Northfork ave.

As I am the owner of the property to the East. I have no problems with any building accross from my property.

A handwritten signature in cursive script that reads "Robert W Childs".

# NOTICE OF PUBLIC HEARING

In compliance with the Municipal Code of the Town of Paonia, Colorado, the Planning Commission will hold a public meeting on Wednesday, April 10, 2019 on or after 6:00PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider a request for:

**Variance Application for Michael Gruenefeldt:**

**Non-Conforming Lot Use**

120 North Fork Avenue, Paonia CO 81428

**Variance Application for Jeff Skeels:**

**Non-Conforming Fence**

332 Onarga Avenue, Paonia CO 81428

**Home Occupancy Application for Mary Bachran:**

**Sewing Business**

511 Box Elder Avenue, Paonia CO 81428

In compliance with the Municipal Code of the Town of Paonia, Colorado, the Board of Trustees will hold a public meeting on Tuesday, April 23, 2019 on or after 6:30PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider the Planning Commission recommendation for the above requests.

If you are unable to attend but wish to comment, submit at Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com) until April 3, 2019.

DELTA COUNTY  
**INDEPENDENT**

401 Meeker St.  
P.O. Box 809  
Delta, CO 81416

**AFFIDAVIT OF PUBLICATION**

STATE OF COLORADO }  
COUNTY OF DELTA } ss.

I, Roxanne McCormick, do solemnly swear that I am advertising director of the *Delta County Independent*; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterruptedly in said County of Delta for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisement was published in the regular and entire issue two consecutive insertions; that the first publication of said notice was in the issue of said newspaper dated March 27th, A.D., 2019, and that the last publication of said notice was in the issue of said newspaper dated April 3rd, A.D., 2019.

In witness whereof I have hereunto set my hand this 3rd day of April, A.D., 2019.

Roxanne McCormick  
Advertising director of said *Delta County Independent*

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 3rd day of April, A.D., 2019.

Patricia Sunderland  
Notary Public

My commission expires 12/24/2021  
900 Cypress Wood Lane  
Delta, CO 81416

**PATRICIA SUNDERLAND**  
19934019033  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
Commission Expires 12-24-2021

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Non-Conforming Lot Use  
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**Variance Application for Jeff Skeels:**  
Non-Conforming Fence  
332 Onaga Avenue, Paonia CO 81428  
**Home Occupancy Application for Mary Bachran:**  
Sewing Business  
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If you are unable to attend but wish to comment, submit at Paonia Town Hall, 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or paonia@townofpaonia.com until April 3, 2019.  
Published in the Delta County Independent March 27 and April 3, 2019.

**SPECIAL REVIEW/VARIANCE APPLICATION**

Name Michael Gruenefeldt Application Date 2.18.2019  
Property Address 120 N. Fork Ave P&Z Hearing Date 4.10.2019  
Telephone Number 970-948-4070 Council Hearing Date 4.23.2019

11.01 Intent. Each established zoning district is intended for a specific type or category of land use (e.g., single family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a district depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this chapter to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

11.02: When Allowed. Within each zoning district, certain land uses are permitted by right, by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning and Zoning Commission and approval by the Town Board.

11.03: Site Plan and Supporting Documents. There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Manager. The site plan shall be drawn in black ink on Mylar. Following approval by the Town Board the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records.

The special review application shall include the following:

- The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- A legal description of the property, which may require a survey.
- A list of the names and addresses of all property owners within 200 ft. of the property.
- All off-street parking and loading areas.
- The location of all ways for ingress and egress to all buildings, and parking areas.
- Service and refuse collection areas.
- N/A* Major screening proposals.
- N/A* The size, shape, height and character of all signs.
- N/A* The area and location of all open space and recreation areas.
- The location and type of outdoor lighting.
- The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- The anticipated timetable for completion. If the project is to be completed in phases, then the data for completion of each phase shall be indicated.

- All owners and lien-holders of the property shall sign the following agreement that will be placed on the original special review site plan.
- N/A* Home Owner's association Written plan approval (if applicable)

The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia.

**I. Site Plan**

Any application for Special Review/Variance that includes a new structure or improvement to an existing structure will require a site plan. Plans may be hand drawn, but must be clearly written with accurate measurements indicated. The Site Plan may be submitted as two separate drawings or one drawing with an overlay.

**II. Project Summary**

Please answer only the questions that apply to your Special Review/Variance request. Any additional information, which would be beneficial in the consideration, may be noted in the "Comments" section.

- a. Reason for Special Review/Variance to build a small home on a non-conforming lot.
- b. Current Zoning of Property R-1
- c. What land boundary changes are necessary? none
- d. What addition/changes to existing buildings/structures will be made? none
- e. What new buildings/structures will be constructed? one residence
- f. What additions/changes in utilities will be necessary? Include water, sewer, gas, and electric. utilities on site, no changes
- g. Will property have Commercial/Private or Public Use? Private
- h. Anticipated traffic flow and volume? 1 car

- i. Detail the Safety and Disabled Access accommodations? N/A
- j. Detail the possible environmental impact; such as noise, lighting glare, pollutants, etc. minimal impact, Long side of lot abuts RR track, other side abuts my property line. Sustainable building will be used.

Comments: Large mobile home removed + lot cleaned. Town bill + taxes paid for 3 1/2 years.

It seems reasonable + beneficial to use this lot in a functional way by allowing me to build a small home on it.

**III. Public Notice Requirements**


All property owners within 200 feet of the property being reviewed shall be notified via certified mail of a public hearing whereby the Planning and Zoning Commission shall consider this application. It is incumbent upon the applicant to request the names of the property owners from the Delta County GIS Department (970-874-2119). Please have the GIS e-mail the information to [Corinne@townofpaonia.com](mailto:Corinne@townofpaonia.com). Applications for Special Review shall be filed at least 30 days in advance of the meeting at which they are to be considered by the Planning and Zoning Commission. Incomplete applications shall result in denial of application acceptance and returned for completion, consequentially delaying hearings.


**IV. Acknowledgement to Pay Fees**

This application must be completed and a fee of **\$250.00** is assessed to include preliminary costs of administrative services, initial correspondence, publication and certified mailings to property owners within 200 feet of said property. **Payment must accompany this application.**

**FEES PAID HEREUNDER ARE NON-REFUNDABLE UPON SIGNING**

**By signing below, I acknowledge that I will be billed for any overages of costs incurred for this Special Review/Variance. I am aware that upon acceptance of the Special Review/Variance by the Planning and Zoning Commission, a building permit must be applied and approved by the Building Inspector, if applicable.**

SIGNED   
 PRINTED NAME Michael Groenfeldt DATE: 2-17-19

Clerks Acceptance 2.18.19 DATE 

### Account: R009115

#### Location

Parcel Number 324506143009  
 Tax Area Id BR- - - BR-  
 Situs Address 120 NORTH FORK AVE  
 Legal Summary 120 NORTH FORK AVE PAONIA 81428 S: 6 T: 14S R: 91W  
 Subdivision: FOOTE/WILLIAMSON  
 ADDITION Block: 10 Lot: 9-10 TOTAL  
 AC 0.06+-LOT 9 & 10 BLK 10  
 FOOTE/WILLIAMSON ADD. SEC 6  
 T14S R91W 6PM BK 433 PG 867  
 (R-335073) BK 738 PG 224 BK 768 PG  
 789 R681054 WD

#### Owner Information

Owner Name GRUENEFELDT  
 MICHAEL J  
 Owner Address PO BOX 1306  
 PAONIA, CO 81428-1306

#### Assessment History

Actual (2018) \$38,000  
 Assessed \$11,020  
 Tax Area: BR- Mill Levy: 73.8470  
 Type Actual Assessed Acres SQFT Units  
 Land \$38,000 \$11,020 0.060 0.000 1.000

#### Transfers

Sale Date	Sale Price
<a href="#">06/24/2015</a>	<a href="#">\$10,000</a>
<a href="#">10/18/1996</a>	<a href="#">\$18,000</a>
<a href="#">03/15/1995</a>	<a href="#">\$12,000</a>
<a href="#">03/15/1995</a>	<a href="#">\$12,000</a>

Doc Description  
[WARRANTY DEED](#)  
[WARRANTY DEED/JOINT TEN](#)  
[WARRANTY DEED](#)  
[WARRANTY DEED](#)

#### Images

- [Photo](#)
- [GIS](#)



1. Mobile home on lot since 1982.
2. 70 ft long, over lot borders.
3. Not safe, uninhabitable.

Special Review/Variance Application  
Mike Gruenefelt

Building envelope on site plan.

Front set back will be used for off street parking.

There will be access to street and cars from front and side of building

Service and garbage will be at back of lot by alley.

There will be one light on street side following dark sky recommendations.

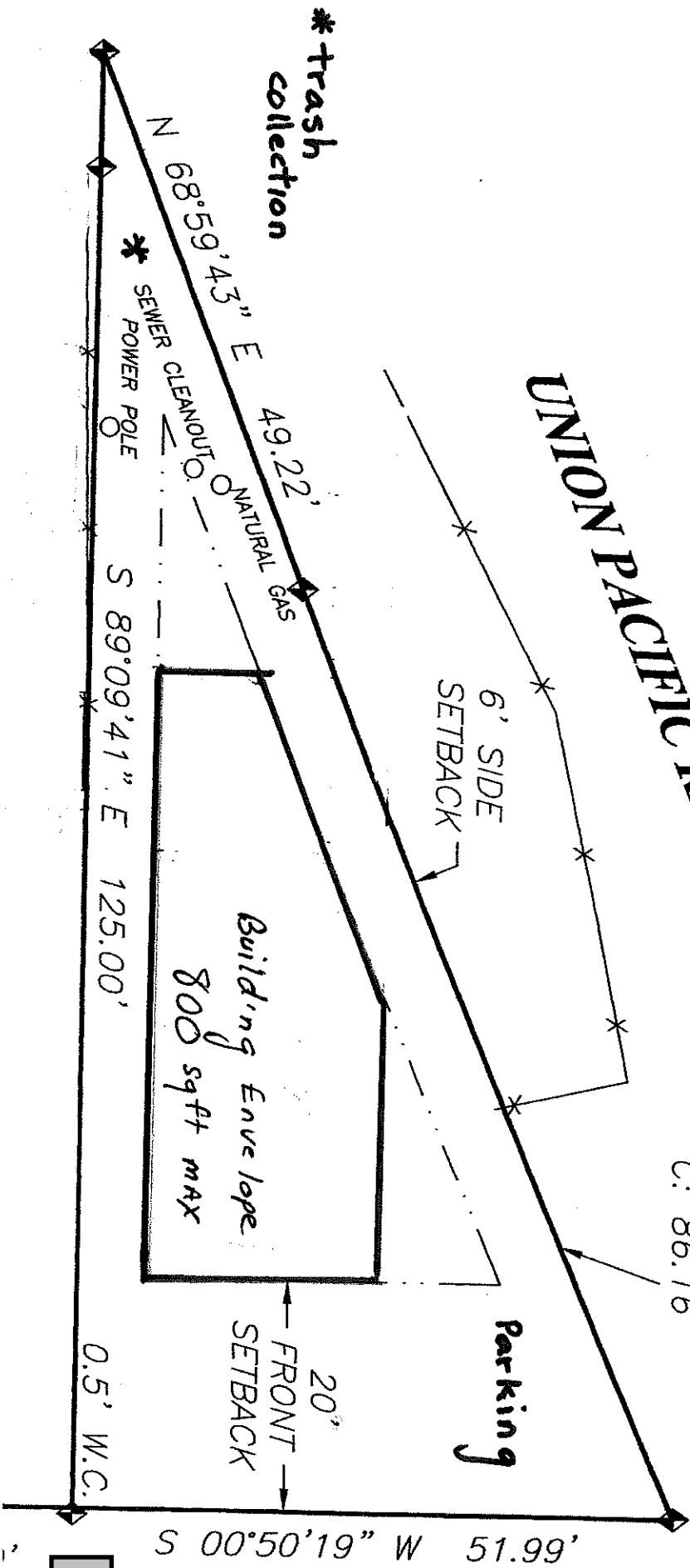
Native landscaping by landscape artist will be used.

Project will be complete in approximately 1 year.



# UNION PACIFIC RAILROAD

I: 43.09  
B: N 67°50'01" E  
C: 86.16'



TRN





Then







OFFER

PLAN B:

ONLY FOR DISCUSSION  
if NO RECCOMENDATION FOR  
PLAN A:

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DELTA COUNTY  
**INDEPENDENT**

P.O. Box 809  
401 Meeker St.  
Delta, CO 81416  
(970) 874-4421

**INVOICE**

Paonia, Town of  
PO Box 460  
Paonia, CO 81428

**AD CAPTION: Planning Commission Gruenefeldt, Skeels, Brachran**

<b>DATE</b>	<b>LINES</b>	<b>RATE</b>	<b>COST</b>
March 27, 2019			
April 3, 2019	41	.608	24.93

This amount will appear on your next monthly statement.

Thank you!



**COLORADO  
PRESS  
ASSOCIATION**

**Affidavit is enclosed.**

**Legal Deadline is Monday at 10:00 a.m.**

DELTA COUNTY  
**INDEPENDENT**

401 Meeker St.  
P.O. Box 809  
Delta, CO 81416

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COUNTY OF DELTA } ss.

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Patricia Sunderland  
Notary Public

My commission expires 12/24/2021  
900 Cypress Wood Lane  
Delta, CO 81416

**PATRICIA SUNDERLAND**  
19934019033  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
My Commission Expires 12-24-2021

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Published in the Delta County Independent March 27 and April 3, 2019.

**SPECIAL REVIEW/VARIANCE APPLICATION**

Name Michael Gruenefeldt Application Date 2.18.19  
Property Address 16120 N. Fork Ave P&Z Hearing Date 4.10.19  
Telephone Number 970-948-4070 Council Hearing Date 4.23.19

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**The special review application shall include the following:**

- The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- A legal description of the property, which may require a survey.
- A list of the names and addresses of all property owners within 200 ft. of the property.
- All off-street parking and loading areas.
- The location of all ways for ingress and egress to all buildings, and parking areas.
- Service and refuse collection areas.
- N/A Major screening proposals.
- N/A The size, shape, height and character of all signs.
- N/A The area and location of all open space and recreation areas.
- The location and type of outdoor lighting.
- The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- The anticipated timetable for completion. If the project is to be completed in phases, then the data for completion of each phase shall be indicated.

- All owners and lien-holders of the property shall sign the following agreement that will be placed on the original special review site plan.
- Home Owner's association Written plan approval (if applicable)

The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia.

**I. Site Plan**

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**II. Project Summary**

Please answer only the questions that apply to your Special Review/Variance request. Any additional information, which would be beneficial in the consideration, may be noted in the "Comments" section.

- a. Reason for Special Review/Variance Lot 116 NF + Lot 120 NF  
will be combined + a small home  
will be built.
- b. Current Zoning of Property R-1
- c. What land boundary changes are necessary? \_\_\_\_\_
- d. What addition/changes to existing buildings/structures will be made? none
- e. What new buildings/structures will be constructed? An 800 sq ft  
(MAX) home will be built,
- f. What additions/changes in utilities will be necessary? Include water, sewer, gas, and electric. utilities on site, no changes
- g. Will property have Commercial/Private or Public Use? private
- h. Anticipated traffic flow and volume? 1 car

- i. Detail the Safety and Disabled Access accommodations? N/A
- j. Detail the possible environmental impact; such as noise, lighting glare, pollutants, etc. The location of the home to be built will be between the RR track & the home I own. Sustainable building will be used

Comments: I cleaned lot 120NF removing an uninhabitable mobile home. I paid taxes & town bill for 3 1/2 years on this currently non-functional lot. It seems within reason that a small, low-impact home on this property would be of benefit to the community.

**III. Public Notice Requirements**

All property owners within 200 feet of the property being reviewed shall be notified via certified mail of a public hearing whereby the Planning and Zoning Commission shall consider this application. It is incumbent upon the applicant to request the names of the property owners from the Delta County GIS Department (970-874-2119). Please have the GIS e-mail the information to **Corinne@townofpaonia.com**. Applications for Special Review shall be filed at least 30 days in advance of the meeting at which they are to be considered by the Planning and Zoning Commission. Incomplete applications shall result in denial of application acceptance and returned for completion, consequentially delaying hearings.

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**FEES PAID HEREUNDER ARE NON-REFUNDABLE UPON SIGNING**

**By signing below, I acknowledge that I will be billed for any overages of costs incurred for this Special Review/Variance. I am aware that upon acceptance of the Special Review/Variance by the Planning and Zoning Commission, a building permit must be applied and approved by the Building Inspector, if applicable.**

SIGNED Michael Greenfeldt

PRINTED NAME Michael Greenfeldt DATE: 2-17-19

Clerks Acceptance [Signature] DATE 2.18.19

### Account: R009115

Location

Parcel Number 324506143009  
 Tax Area Id BR- - - BR-  
 Situs Address 120 NORTH FORK AVE  
 Legal Summary 120 NORTH FORK AVE PAONIA 81428 S: 6 T: 14S R: 91W  
 Subdivision: FOOTE/WILLIAMSON  
 ADDITION Block: 10 Lot: 9-10 TOTAL  
 AC 0.06+-LOT 9 & 10 BLK 10  
 FOOTE/WILLIAMSON ADD. SEC 6  
 T14S R91W 6PM BK 433 PG 867  
 (R-335073) BK 738 PG 224 BK 768 PG  
 789 R681054 WD

Owner Information

Owner Name GRUENEFELDT  
 MICHAEL J  
 Owner Address PO BOX 1306  
 PAONIA, CO 81428-1306

Assessment History

Actual (2018) \$38,000  
 Assessed \$11,020  
 Tax Area: BR- Mill Levy: 73.8470  
 Type Actual Assessed Acres SQFT Units  
 Land \$38,000 \$11,020 0.060 0.000 1.000

Transfers

Sale Date	Sale Price	Doc Description
<a href="#">06/24/2015</a>	<a href="#">\$10,000</a>	<a href="#">WARRANTY DEED</a>
<a href="#">10/18/1996</a>	<a href="#">\$18,000</a>	<a href="#">WARRANTY DEED/JOINT TEN</a>
<a href="#">03/15/1995</a>	<a href="#">\$12,000</a>	<a href="#">WARRANTY DEED</a>
<a href="#">03/15/1995</a>	<a href="#">\$12,000</a>	<a href="#">WARRANTY DEED</a>

Images

- [Photo](#)
- [GIS](#)



1. Mobile home on lot since 1982.
2. 70 ft long, over lot borders.
3. Not safe, uninhabitable.

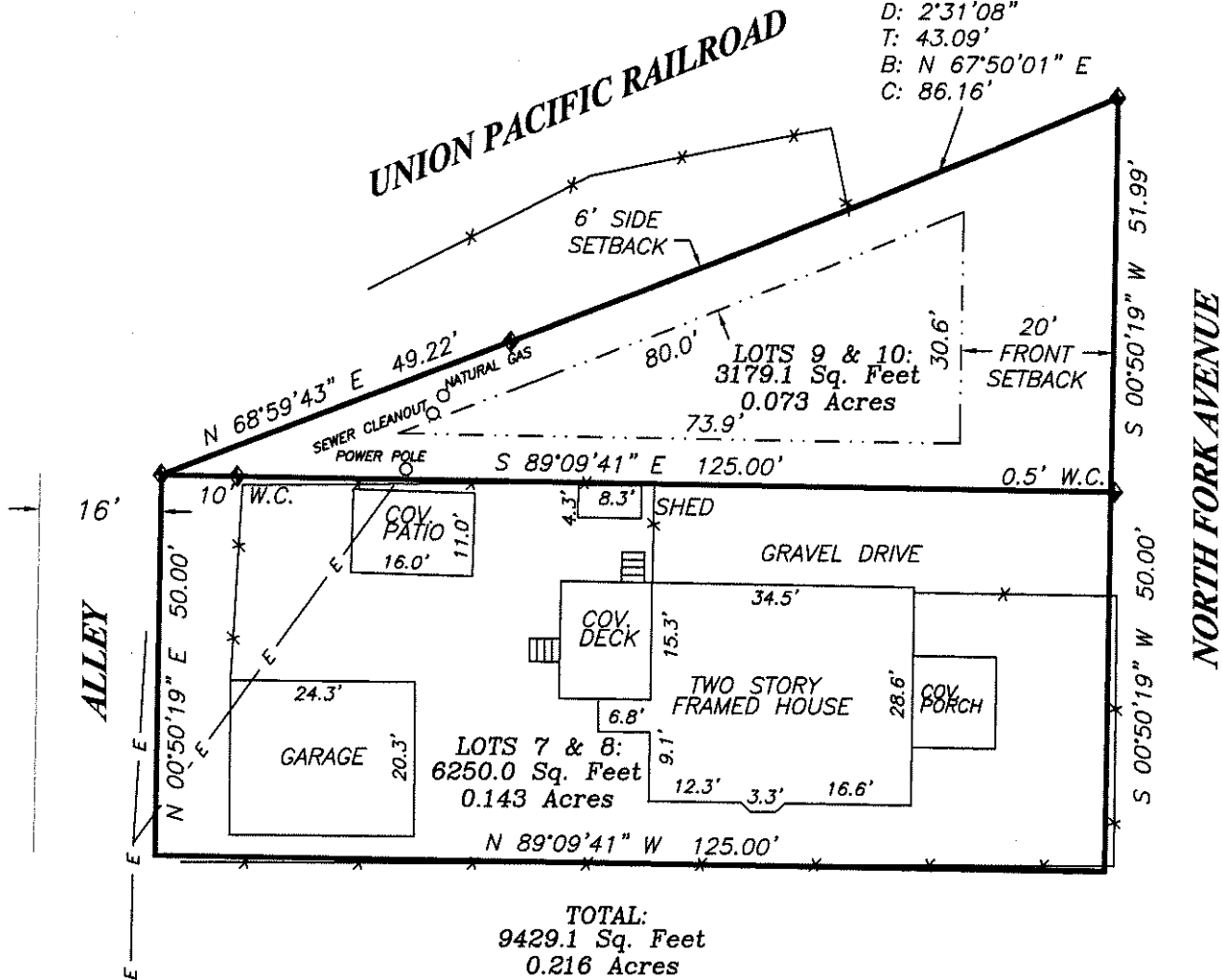
# IMPROVEMENT LOCATION CERTIFICATE

THIS IS NOT A SURVEY

BUYER: MICHAEL J. GRUENEFELDT  
 ORDERED BY: MICHAEL J. GRUENEFELDT  
 PROPERTY ADDRESS: 116/120 NORTH FORK AVENUE  
 GENERAL LOCATION: PAONIA

DATE: JANUARY 24, 2019

A: 86.17'  
 R: 1960.00'  
 D: 2°31'08"  
 T: 43.09'  
 B: N 67°50'01" E  
 C: 86.16'



### TYPICAL LEGEND

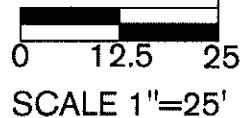
- ⊕ Found pin with cap
- ◆ Set Nail and Lath
- x— Fencelines
- T— Tel. line
- E— Electric (overhead) (subject to easement)
- G— Gas line
- ||— Water line
- Easement
- - - Setback Line
- ▒ Concrete
- ▤ Gravel Driveway

### LEGAL DESCRIPTION:

LOTS 7,8,9 AND 10 OF THE FOOTE/WILLIAMSON ADDITION OF THE TOWN OF PAONIA

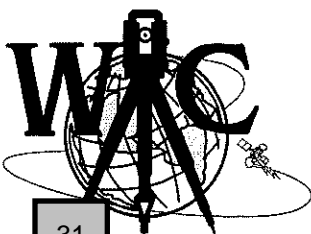
### NOTE:

BOUNDARY LINES ARE UNKNOWN WITHOUT A SURVEY. NO MONUMENTS WERE FOUND. THE IMPROVEMENTS APPEAR TO BE WITHIN THE BOUNDARY LINES.



INVESTIGATION BY WILMORE AND COMPANY PROFESSIONAL LAND SURVEYING INC., P.O. BOX 1652, 406 GRAND AVENUE, PAONIA, COLORADO 81428 (970) 527-4200 FAX (970) 527-4202

I hereby certify that this IMPROVEMENT LOCATION CERTIFICATE was prepared solely for MICHAEL J. GRUENEFELDT, that it is NOT a survey plat, and that it is not to be relied upon for the establishment of fences, buildings, or other future improvement construction lines. I further certify that the improvements on the above described parcels on this 24TH day of JANUARY, 2019, EXCEPT as may be shown above, that there are no apparent encroachments upon the described parcel by improvements on an adjoining property, EXCEPT as indicated, and that there is no apparent evidence of any easement crossing or burdening this parcel, EXCEPT AS NOTED.



## WILMORE & COMPANY

PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue 970.527-4200  
 P.O. Box 1652 970.527-4202  
 Paonia, Colorado 81428

PROFESSIONAL LAND SURVEYOR COLO# 25972

Special Review/Variance Application  
Mike Gruenefelt

Building envelope on site plan.

Front set back will be used for off street parking.

There will be access to street and cars from front and side of building

Service and garbage will be at back of lot by alley.

There will be one light on street side following dark sky recommendations.

Native landscaping by landscape artist will be used.

Project will be complete in approximately 1 year.














AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Public Hearing: 332 Onarga Avenue – Non-Conforming Fence</p>		
<p>Summary: Mr. Skeels requests a variance for a section of fence measuring 8ft. Municipal Code only allows for 6ft in the property zone..</p>			
<p>Staff: A fence height of 8’ is not normally allowed within a residential zone. Staff believes that variances should be issued only in extreme and unusual circumstances. The Planning Board should give careful consideration as to whether or not this request rises to those circumstances.</p>			
<p>Vote:</p>	<p>Barb Heck:</p>	<p>Bill Bear:</p>	<p>Monica Foguth:</p>
<p>Lucy Hunter:</p>	<p>Charles Stewart:</p>		

## Corinne Ferguson

---

**From:** RUTH/CLIFF BAACKE <rcbaacke@comcast.net>  
**Sent:** Monday, March 25, 2019 4:46 PM  
**To:** Paonia  
**Subject:** Variance Application for Jeff Skeels

Attention Planning Commission:

We are the property owners at 335 Onarga Avenue opposite Jeff Skeels. We wish to record that we have no objections to the proposed non-conforming fence.

We have no comments regarding the other two requests scheduled for April 10.

Clifford and Ruth Baacke



# NOTICE OF PUBLIC HEARING

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**Variance Application for Michael Gruenefeldt:**

**Non-Conforming Lot Use**

120 North Fork Avenue, Paonia CO 81428

**Variance Application for Jeff Skeels:**

**Non-Conforming Fence**

332 Onarga Avenue, Paonia CO 81428

**Home Occupancy Application for Mary Bachran:**

**Sewing Business**

511 Box Elder Avenue, Paonia CO 81428

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DELTA COUNTY  
**INDEPENDENT**

P.O. Box 809  
401 Meeker St.  
Delta, CO 81416  
(970) 874-4421

**INVOICE**

Paonia, Town of  
PO Box 460  
Paonia, CO 81428

**AD CAPTION: Planning Commission Gruenefeldt, Skeels, Brachran**

DATE	LINES	RATE	COST
March 27, 2019			
April 3, 2019	41	.608	24.93

This amount will appear on your next monthly statement.

Thank you!



**COLORADO  
PRESS  
ASSOCIATION**

41

**Affidavit is enclosed.**

**Legal Deadline is Monday at 10:00 a.m.**

DELTA COUNTY  
**INDEPENDENT**

401 Meeker St.  
P.O. Box 809  
Delta, CO 81416

**AFFIDAVIT OF PUBLICATION**

STATE OF COLORADO }  
COUNTY OF DELTA } ss.

I, Roxanne McCormick, do solemnly swear that I am advertising director of the *Delta County Independent*; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterrupted in said County of Delta for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisement was published in the regular and entire issue two consecutive insertions; that the first publication of said notice was in the issue of said newspaper dated March 27th, A.D., 2019, and that the last publication of said notice was in the issue of said newspaper dated April 3rd, A.D., 2019.

In witness whereof I have hereunto set my hand this 3rd day of April, A.D., 2019.

*Roxanne McCormick*

Advertising director of said *Delta County Independent*

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 3rd day of April, A.D., 2019.

*Patricia Sunderland*

Notary Public

My commission expires 12/24/2021  
900 Cypress Wood Lane  
Delta, CO 81416

**PATRICIA SUNDERLAND**  
19934019033  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
Commission Expires 12-24-2021

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Sewing Business  
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Published in the *Delta County Independent* March 27 and April 3, 2019.

## SPECIAL REVIEW/VARIANCE APPLICATION

Name JEFF SKEELS Application Date 2/7/19  
Property Address 332 ONARGA AVE. P&Z Hearing Date 4.10.19  
Telephone Number 408-425-3442 Council Hearing Date 4.23.19

11.01 Intent. Each established zoning district is intended for a specific type or category of land use (e.g., single family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a district depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this chapter to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

11.02: When Allowed. Within each zoning district, certain land uses are permitted by right, by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning and Zoning Commission and approval by the Town Board.

11.03: Site Plan and Supporting Documents. There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Manager. The site plan shall be drawn in black ink on Mylar. Following approval by the Town Board the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records.

The special review application shall include the following:

- The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- A legal description of the property, which may require a survey.
- A list of the names and addresses of all property owners within 200 ft. of the property.
- All off-street parking and loading areas.
- The location of all ways for ingress and egress to all buildings, and parking areas.
- Service and refuse collection areas.
- Major screening proposals.
- The size, shape, height and character of all signs.
- The area and location of all open space and recreation areas.
- The location and type of outdoor lighting.
- The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- The anticipated timetable for completion. If the project is to be completed in phases, then the data for completion of each phase shall be indicated.

i. Detail the Safety and Disabled Access accommodations? NONE

j. Detail the possible environmental impact; such as noise, lighting glare, pollutants, etc. NONE

Comments: THE ART WALL WAS CONSTRUCTED AFTER RECEIVING APPROVAL BY DAVE COLEMAN AND AFTER VOICING MY CONCERN TO MY CONTRACTOR ABOUT SCHOOL CHILDREN WALKING TO & FROM SCHOOL SEEING ME GET IN AND OUT OF MY HOT TUB NAKED.

**III. Public Notice Requirements**

All property owners within 200 feet of the property being reviewed shall be notified via certified mail of a public hearing whereby the Planning and Zoning Commission shall consider this application. It is incumbent upon the applicant to request the names of the property owners from the Delta County GIS Department (970-874-2119). Please have the GIS e-mail the information to [Corinne@townofpaonia.com](mailto:Corinne@townofpaonia.com). Applications for Special Review shall be filed at least 30 days in advance of the meeting at which they are to be considered by the Planning and Zoning Commission. Incomplete applications shall result in denial of application acceptance and returned for completion, consequentially delaying hearings.

**IV. Acknowledgement to Pay Fees**

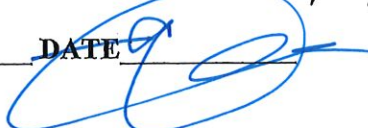
This application must be completed and a fee of **\$250.00** is assessed to include preliminary costs of administrative services, initial correspondence, publication and certified mailings to property owners within 200 feet of said property. **Payment must accompany this application.**

**FEES PAID HEREUNDER ARE NON-REFUNDABLE UPON SIGNING**

**By signing below, I acknowledge that I will be billed for any overages of costs incurred for this Special Review/Variance. I am aware that upon acceptance of the Special Review/Variance by the Planning and Zoning Commission, a building permit must be applied and approved by the Building Inspector, if applicable.**

SIGNED 

PRINTED NAME JEFF SKEELS DATE: 2/7/19

Clerks Acceptance 2.12.19 DATE 

Jeff Skeels  
332 Onarga Ave.  
Paonia, CO 81428  
408-425-3442

**7/31/17:** Steve of Steady Hand Fences, Decks and Outbuildings, my contractor, pulled a permit for...

- 1) a porch over my new deck
- 2) a replacement fence on the north, south and west sides of my property.

**11/29/17:** Steve and I discussed the need for additional privacy on the north side of the property, where the open lot exists behind my neighbor's home... at the corner of 4th St. and Onarga Ave. I felt that additional privacy was necessary because I wanted to use my hot tub but, due of the proximity of my property to the Technical School and Paonia Elementary School, "exposure" to the general public was a definite possibility. Note that while standing on my deck, in my backyard, people on 4th street can very often be seen... and visa versa. We designed an 8' freestanding wooden privacy fence (inside the standard 6' perimeter fence) and discussed the need of a variance.

**11/30/17:** Steve went to the building inspector, Dave Coleman, to show him the proposed plan and to inquire about a variance. Dave replied: "Go for it!"; "If anyone complains, tell them to go see Dave!" and "Art wall — freestanding."

**12/4/17:** Materials were ordered. **12/14/17:** Art wall construction began.... finished on **12/28/17**.

**7/19/18:** Inspection report received from Daniel Reardon. This inspection report includes the following statement by Daniel, "Privacy fence was permitted by Dave Coleman..."

**2/5/19:** 2nd Inspection report received from Daniel Reardon. All open issues completed except additional approval of "art wall". Permit has been closed.

**2/7/19:** I spoke with Ken Knight about the open issue. He recommended that I file variance application because although I had received approval to build the art wall from Dave Coleman on 11/30/17 and the art wall was constructed, an additional approval from the town was necessary.

## Account: R008836

### Location

Parcel Number 324506114010  
 Tax Area Id BR- - - BR-  
 Situs Address 332 ONARGA AVE  
 Legal Summary 332 ONARGA AVE  
 PAONIA 81428 S: 6 T: 14S R: 91W  
 Subdivision: ORIGINAL PAONIA  
 Block: 9 Lot: 15 AND:- Lot: 16 N2  
 OF LOT 15 TOTAL 0.11 AC +- N2  
 LOT 15 & LOT 16 BLK 9  
 ORIGINAL PAONIA. SEC 6 T14S  
 R91W 6PM BK 429 PG 423  
 (R-329837) BK 563 PG 268 BK 664  
 PG 400 BK 665 PG 413 BK 731 PG  
 485 BK 765 PG 950 BK 905 PG 734  
 BK 934 PG 845 R-626561 R675412

### Owner Information

Owner Name SKEELS JEFF  
 Owner Address 3975 CLEAR FORK  
 RD  
 CRAWFORD, CO 81415-9511

### Assessment History

Actual (2018)				\$157,483
Assessed				\$11,339
Tax Area: BR- Mill Levy: 73.8470				
Type	Actual	Assessed	Acres	SQFT Units
Improvements	\$119,483	\$8,603	1960.000	1.000
Land	\$38,000	\$2,736	0.110	0.000 1.000

### Transfers

Sale Date	Sale Price	Doc Description
<a href="#">08/20/2014</a>	<a href="#">\$185,000</a>	<a href="#">WARRANTY DEED</a>
<a href="#">06/16/2008</a>		<a href="#">QUIT CLAIM/JOINT TENANCY</a>
<a href="#">07/18/2002</a>	<a href="#">\$0</a>	<a href="#">QUIT CLAIM</a>
<a href="#">11/16/2001</a>	<a href="#">\$0</a>	<a href="#">QUIT CLAIM</a>
<a href="#">08/30/1996</a>	<a href="#">\$67,500</a>	<a href="#">WARRANTY DEED</a>
<a href="#">11/15/1994</a>	<a href="#">\$35,000</a>	<a href="#">WARRANTY DEED/TEN IN COM</a>
<a href="#">10/24/1990</a>	<a href="#">\$20,000</a>	<a href="#">WARRANTY DEED/JOINT TEN</a>
<a href="#">09/21/1990</a>	<a href="#">\$1</a>	<a href="#">QUIT CLAIM</a>
<a href="#">04/17/1987</a>	<a href="#">\$10,000</a>	<a href="#">WARRANTY DEED/JOINT TEN</a>

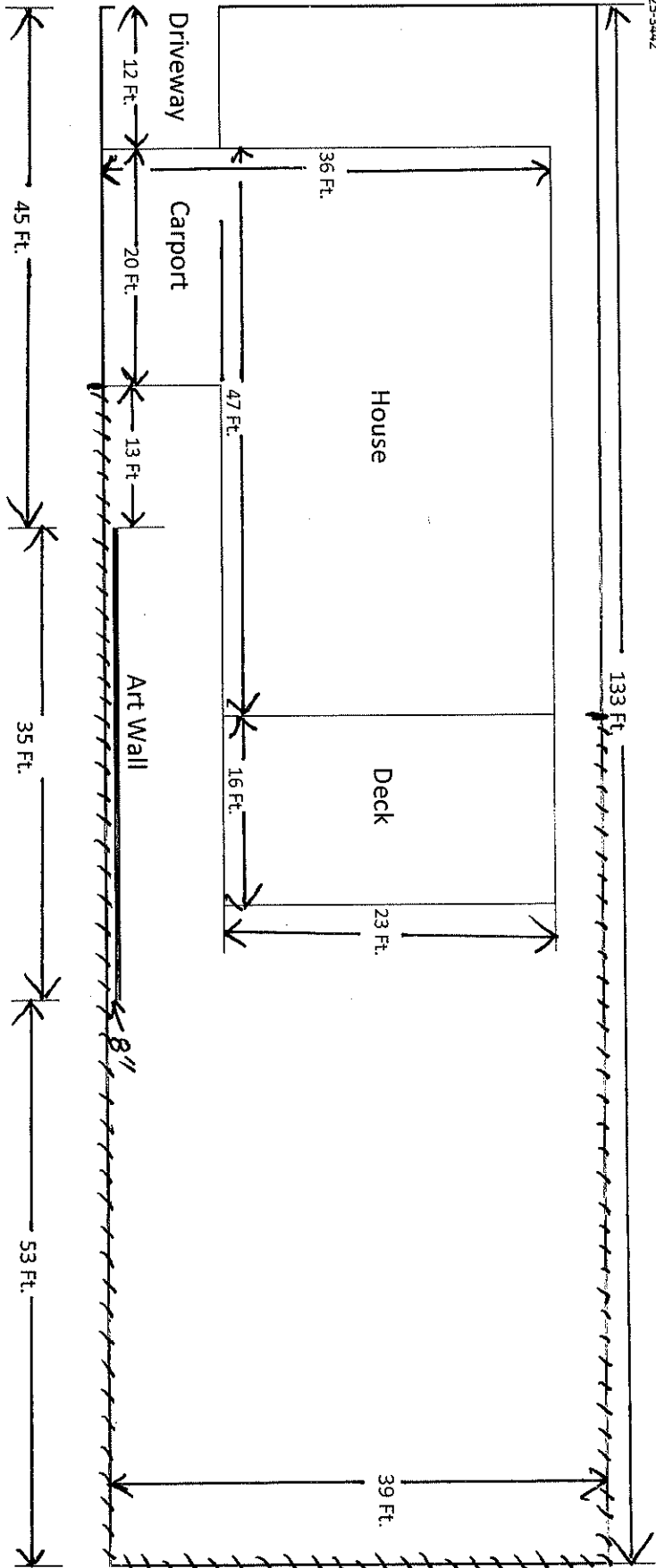
### Images

- [Photo](#)
- [Sketch](#)
- [GIS](#)



Jeff Skeels  
332 Onarga Ave.  
Pawnee, CO 81428  
408-425-3442

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+  
S  
E



# The Town of Paonia

# INVOICE

Town of Paonia  
 214 Grand Avenue PO Box 460  
 Paonia, CO 81428  
 Phone: 970-527-4101 Fax: 970-527-4102  
 corinne@townofpaonia.com

DATE: APRIL 5, 2019  
 INVOICE # 2019-17  
 OFFICE COPY  
**SECOND NOTICE**

TO Jeff Skeels  
 3975 Clear Fork Road  
 Crawford, CO 81415

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
21	Certified Mail for Special Review 3/22/2019	6.85	143.85
	<b>Total:</b>		<b>\$143.85</b>
		SUBTOTAL	\$143.85
		TOTAL	<b>\$143.85</b>

Make checks payable to **Town of Paonia**  
 Thank you for your business!

Invoice 2019-17 – Skeels Variance - Fence


**Amount Due:**  
**\$143.85**

**Amount Paid:**  
 \$\_\_\_\_\_

Received by: \_\_\_\_\_  
 Date: \_\_\_\_\_



AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Public Hearing: 511 Box Elder Avenue – Home Occupancy</p>		
<p>Summary: Mary Bachran requests permission to continue her sewing business within her home.</p>			
<p>Staff does not have any issues for review with this application.</p>			
<p>Vote:</p>	<p>Barb Heck:</p>	<p>Bill Bear:</p>	<p>Monica Foguth:</p>
<p>Lucy Hunter:</p>	<p>Charles Stewart:</p>		

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DELTA COUNTY  
**INDEPENDENT**

P.O. Box 809  
401 Meeker St.  
Delta, CO 81416  
(970) 874-4421

**INVOICE**

Paonia, Town of  
PO Box 460  
Paonia, CO 81428

**AD CAPTION: Planning Commission Gruenefeldt, Skeels, Brachran**

DATE	LINES	RATE	COST
March 27, 2019			
April 3, 2019	41	.608	24.93

This amount will appear on your next monthly statement.

Thank you!



COLORADO  
**PRESS**  
ASSOCIATION

**Affidavit is enclosed.**

**Legal Deadline is Monday at 10:00 a.m.**

DELTA COUNTY  
**INDEPENDENT**

401 Meeker St.  
P.O. Box 809  
Delta, CO 81416

**AFFIDAVIT OF PUBLICATION**

STATE OF COLORADO }  
COUNTY OF DELTA } ss.

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*Roxanne McCormick*  
Advertising director of said *Delta County Independent*

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 3rd day of April, A.D., 2019.

*Patricia Sunderland*  
Notary Public

My commission expires 12/24/2021  
900 Cypress Wood Lane  
Delta, CO 81416

**PATRICIA SUNDERLAND**  
19934019033  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
Commission Expires 12-24-2021

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Published in the Delta County Independent March 27 and April 3, 2019.

**TOWN OF PAONIA, COLORADO**  
**Home Occupation Permit Application**

Date: 3/5/19 Name: MARY BACHRAN

Physical Address: 511 BOX ELDER AVE. PAONIA, CO 81428

Telephone: 970-433-1433 Email: marybachran@

Type of Business/Home Occupation Requested:  
SEWING BUSINESS

A home occupation shall be permitted as an accessory use provided a Home Occupation Permit is granted by the Town and the criteria for home occupations are met at all times the accessory use continues.

Home Occupation Permits are issued to the individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.

**Please review carefully before submitting this application the attached "Criteria for Home Occupations".**

Applications for a Home Occupation Permit shall be filed no less than thirty (30) days in advance of the meeting at which they are to be considered by the Town of Paonia Planning Commission.

The permit application must be completed and accompanied by a check for the required fee of \$150.00 when applying for a Home Occupation Permit from the Town of Paonia. The \$150.00 fee is non-refundable as it covers the expenses for correspondence and publication (related to the required public hearing) that will be incurred by the Town of Paonia.

All property owners within 200 feet of the applicant's property being considered for the Home Occupation Permit will be notified by certified mail of a public hearing whereby the Town of Paonia Planning Commission will consider this permit application.

**Project Summary:**

Please provide a brief summary statement of your requested Home Occupation:

SEWING REPAIRS, ALTERATIONS, FABRICATION, DUPLICATION

What is the property's current zoning? R-3

If signage is requested, size of sign cannot exceed two (2) square feet. Is this acceptable? YES

What additions or changes to existing buildings or structures will be made? NONE

What new buildings or structures will be constructed? NONE


What additions or changes in utilities will be necessary? NONE

**53** is the anticipated increased traffic volume due to this use? 1-2 CARS PER WEEK

**Please read the attached criteria.** If your Home Occupation does not meet any of these criteria please attach an explanation to this application. If at any time the criteria not addressed through this process cannot be met, I understand the home occupation permit will be immediately revoked.

Applicant's signature: 

Clerk's signature of receipt: 

Town Administrator's signature:  3.1.19 (91)

**CRITERIA FOR HOME OCCUPATIONS — a home occupation shall be allowed as a permitted accessory use provided the following conditions are met:**

1. The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one non-occupant employee.
2. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof
3. The total area used for such purposes may not exceed 25% of the first floor area of the user's dwelling unit.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including advertising signs or displays, or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two square feet shall be permitted.
5. There shall not be conducted on the premises the business of selling stocks, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations.
6. There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
7. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors, or other objectionable condition detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.
8. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
9. Under no circumstances shall any of the following be considered a home occupation: antique shop; barber shop; beauty parlor (with more than one chair); clinic; mortuary; nursing home; restaurant; veterinary clinic; or dance studio.

## Account: R001189

### Location

Parcel Number 318731405011  
 Tax Area Id BR- - - BR-  
 Situs Address 511 BOX ELDER AVE  
 Legal Summary 511 BOX ELDER AVE PAONIA 81428 S: 31 T: 13S R: 91W Subdivision: LEES MH PARK ADD PA Lot: 11 TOTAL 0.18 AC +/- (60'X133.2') LOT 11 LEES MH PARK SEC 31 T13S R91W 6PM 1/23 INT PK AREA PT E2SE4 SEC 31 BK 616 PG 258 BK 628 PG 92 BK 681 PG 559 BK 751 PG 230 BK 789 PG 149 BK 880 PG 426 BK 966 PG 910 R-578873 R626833 R626834 R-637433 R-637591 R-644983-DC

### Owner Information

Owner Name BACHRAN MARY  
 Owner Address 511 BOX ELDER AVE  
 PAONIA, CO 81428-2017

### Assessment History

Actual (2018)					\$62,731
Assessed					\$4,517
Tax Area: BR- Mill Levy: 73.8470					
Type	Actual	Assessed	Acres	SQFT	Units
Improvements	\$24,731	\$1,781		1216.000	1.000
Land	\$38,000	\$2,736	0.180	0.000	1.000

### Transfers


Sale Date	Sale Price	Doc Description
<a href="#">07/12/2010</a>		<a href="#">DEATH CERTIFICATE</a>
<a href="#">09/04/2009</a>		<a href="#">QUIT CLAIM</a>
<a href="#">06/30/2008</a>	<a href="#">\$121,500</a>	<a href="#">WARRANTY DEED</a>
<a href="#">04/21/2004</a>	<a href="#">\$92,000</a>	<a href="#">WARRANTY DEED</a>
<a href="#">03/18/2003</a>	<a href="#">\$85,000</a>	<a href="#">WARRANTY DEED/JOINT TEN</a>
<a href="#">04/13/2001</a>	<a href="#">\$87,000</a>	<a href="#">WARRANTY DEED/JOINT TEN</a>
<a href="#">10/27/1997</a>	<a href="#">\$79,900</a>	<a href="#">WARRANTY DEED/JOINT TEN</a>
<a href="#">12/07/1995</a>	<a href="#">\$75,000</a>	<a href="#">WARRANTY DEED</a>
<a href="#">03/06/1992</a>	<a href="#">\$11,000</a>	<a href="#">WARRANTY DEED/JOINT TEN</a>
<a href="#">12/08/1988</a>	<a href="#">\$7,900</a>	<a href="#">QUIT CLAIM</a>

### Images

- [Photo](#)
- [Sketch](#)
- [GIS](#)



AGENDA SUMMARY FORM

Agenda Item # CALL 	Adjournment		
Summary:			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		