



**TOWN OF PAONIA**  
**THURSDAY, MAY 30, 2019**  
**PLANNING COMMISSION MEETING AGENDA**  
**6:00 PM**

**Call to Order**

**Roll Call**

1. Roll Call

**Approval of Agenda**

2. Approval of Agenda

**Unfinished Business**

3. Minutes -April 10, 2019

**New Business**

4. 337 Main Avenue – Home Occupation Permit

**Adjournment**

5. Adjournment

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Roll Call</p>		
<p>Summary: Meeting opening -</p>			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Approval of Agenda</p>		
<p>Summary:</p>			
Large empty space for 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

Agenda Item # CALL

Minutes -April 10, 2019



Summary:

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

**Minutes**  
**Planning Commission Regular Meeting**  
**Town of Paonia, Colorado**  
**April 10, 2019**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Planning Commission held Wednesday, April 10, 2019, was called to order at 5:58 PM by Chairperson Barbara Heck, followed by the Pledge of Allegiance.

**Roll Call:**

Commission members present were as follows:

Chair Barbara Heck  
Commissioner Lucy Hunter  
Commissioner Monica Foguth  
Mayor Charles Stewart  
Trustee William Bear

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 made by Mayor Stewart, Supported by Commissioner Hunter to approve the agenda.

**Unfinished Business**

**Minutes – March 06, 2019**

Motion made by Mayor Stewart, Seconded by Trustee Bear to approve minutes with corrections.  
Motion carried unanimously.

**Public Hearing: 120 North Fork Avenue – Non-Conforming Lot**

Chairperson Barbara Heck opened the meeting to discuss, Mr. Mike Gruenefeldt's variance of a non-conforming lot.

Administrator Knight read off the staff notes. Mr. Gruenefeldt did not meet the (12) twelve-month time frame to replace the mobilome he removed.

Mr. Gruenefeldt stated the he bought the lot with a 1982 (14) fourteen feet wide and (70) seventy feet long mobile home in June of 2015.

Administrator Knight read municipal code sec 16-13-10 objectives of non-conforming lot to the planning committee.

Points Informed to Committee:

- Lot is too small to build.
- 12 Month time frame to replace mobile home was not met.

Discussion ensued that the new build would be on the envelope of the old building.

Mr. Gruenefeldt communicated the new build he is considering building at 120 North Fork Ave would be (1) one story with a loft structure that would be (650) six hundred fifty square feet.

Discussion ensued regarding the Union Pacific Railroad right away. Mr. Gruenefeldt communicated that (50) fifty feet from the center of the railroad tracks is considered railroad right-of-away.

Discussion ensued on plan B be used only if plan A didn't get approved by the planning board.

Mr. Gruenefeldt communicated that plan B would be to merge both of his lots 116 North Fork Ave and 120 North Fork Ave.

Discussion points regarding combining both parcels:

- Requires a variance to merge lots
- Requires to Re – Zone to R-3

Motion by Mr. Stewart supported by Ms. Hunter to recommend to the Board of Trustees approval of Mr. Gruenefeldt's variance application. Motion carried unanimously

### **Public Hearing: 332 Onarga Avenue – Non-Conforming Fence**

Administrator Knight read staff notes regarding Jeff Skeels non-conforming (8) eight-foot fence along with municipal code sec 18-19-20 Swimming pools, hot tubs and Jacuzzis.

Discussion ensued about the definition of the art wall as a fence inside of the perimeter, adjacent to the fence.

Discussion point:

- Art wall is in line with the house, has ability to have a taller structure
- Code is conflicting with the height of the art wall
- Moving art wall back, is it legal and appropriate with the code

Motion by Ms. Hunter supported by Mr. Stewart to recommend to the Board of Trustees approval of Mr. Skeels variance application. Motion carried unanimously

### **Public Hearing: 511 Box Elder Avenue – Home Occupancy**

Administrator Knight read staff notes, with no issues to report.

Concerns regarding traffic and signage, Ms. Bachran communicated only the normal traffic flow and no signage will be placed out side of residence.

Motion by Mr. Bear supported by Mr. Stewart to recommend to the Board of Trustees approval of Ms. Bachrans special use permit application. 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 6:55 pm

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Amanda Mojarro, Deputy Clerk

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Barbara Heck, Chairperson

AGENDA SUMMARY FORM

Agenda Item # CALL 	337 Main Avenue – Home Occupation Permit
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Summary:  
 Mr. Jeff Ruppert and Ms. Lucy Hunter request a Home Occupation permit be granted at 337 Main Avenue for the business known as Odisea, LLC.

Documents included in packet. All publication deadlines have been met. Final invoice for certified mailing generated and out for remittance.

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

# 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 Thursday May 30, 2019 at or after 6:00PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider a request for:**

**Home Occupation Application for Jeff Ruppert & Lucy**

**Hunter: dba Odisea, LLC**

**337 Main 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, June 11, 2019 at 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 written comment to Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com) until May 22, 2019.

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 Ruppert & Hunter**

<b>DATE</b>	<b>LINES</b>	<b>RATE</b>	<b>COST</b>
May 15, 2019			
May 22, 2019	32	.608	19.46

This amount will appear on your next monthly statement.

Thank you!

**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 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 May 15th, A.D., 2019, and that the last publication of said notice was in the issue of said newspaper dated May 22nd, A.D., 2019.

In witness whereof I have hereunto set my hand this 22nd day of May, A.D., 2019.

*Roxanne McCormick*

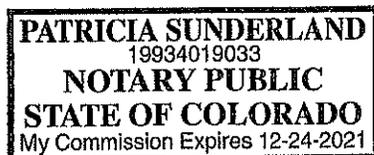
Advertising director of said *Delta County Independent*

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 22nd day of May, A.D., 2019.

*Patricia Sunderland*

Notary Public

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



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337 Main 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, June 11, 2019 at 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 written comment to Paonia Town Hall: 214 Grand Avenue, PO Box 480, Paonia, CO 81428, or paonia@townofpaonia.com until May 22, 2019.  
Published in the Delta County Independent May 15 and 22, 2019.

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

Date: 4/11/19 Name: JEFF RUPPERT & Lucy Hunter  
dba Odisea, LLC  
Physical Address: 337 MAIN AVE Email: jeff@odiseanet.com  
Telephone: [REDACTED] Email: lucy@odiseanet.com  
Type of Business/Home Occupation Requested:  
ENGINEERING / CONSULTING

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:  
Office & client meetings

What is the property's current zoning? R-2

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

What is the anticipated increased traffic volume due to this use? NO INCREASE  
Currently 1 additional car / day  
+2 max for meetings once/month at most

**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: \_\_\_\_\_

Planning Commission Chairman's signature: \_\_\_\_\_

Town <sup>clerk</sup> Manager's signature: \_\_\_\_\_

**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.



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Home Occupation Application for Jeff Ruppert & Lucy  
Hunter: dba Odisea, LLC  
337 Main Avenue, Paonia CO 81428

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*Edgar Pierce ok*  
*05/09/2019*

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*Jim okay with it*

AGENDA SUMMARY FORM

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