



**TOWN OF PAONIA**  
**THURSDAY, JANUARY 27, 2022**  
**PLANNING COMMISSION MEETING AGENDA**  
**4:00 PM**

**APPROPRIATE AND CORRECTLY WORN FACE MASKS ARE REQUIRED WHILE ATTENDING MEETINGS. SHOULD YOU BE UNABLE TO WEAR A FACE MASK YOU CAN VIEW THE MEETING VIA THE TOWN OF PAONIA YOUTUBE CHANNEL.**

**Roll Call**

1. Roll Call

**Approval of Agenda**

2. Approval of Agenda

**New Business**

3. Minutes – October 21, 2021
4. Davis – Minor Subdivision Variance Application Review – TBD Niagara Avenue

**Adjournment**

5. Adjournment

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Roll Call</p>
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Summary:  
Meeting opening -

[Empty space for meeting summary]

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
OPEN:	Mary Bachran:		

[Empty space for additional notes]

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Approval of Agenda</p>
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Summary:

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
OPEN:	Mary Bachran:		

AGENDA SUMMARY FORM

Agenda Item # CALL	Minutes –
	

Summary:

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Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
OPEN:	Mary Bachran:		

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**Minutes**  
**Planning Commission Meeting**  
**Town of Paonia, Colorado**  
**October 21, 2021**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Paonia Planning Commission was called to order on October 26, 2021, at 4:00 pm by Barb Heck, Chairperson. Formal Video Record at <https://www.youtube.com/watch?v=7DJSpuxQYBg>

**Roll Call**

Commission members present were as follows: Chairperson Barb Heck, Mayor Mary Bachran and Trustee Karen Budinger, and Commissioner Monica Foguth. Commissioner Lucy Hunter presented her resignation and was not present.

Also present were Town Administrator/Town Clerk Corinne Ferguson and Deputy Town Clerk Amanda Mojarro.

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

**Approval of Agenda**

Motion to approve agenda as presented by Mayor Bachran, seconded by Trustee Budinger. Motion unanimously passed.

**New Business**

**Planning Commission Appointment of Chair:** Commissioner Lucy Hunter had presented her resignation, and someone needs to be appointed as the Chair.

Mayor Bachran moved to appoint Commissioner Monica Foguth as chair, seconded by Trustee Budinger. Motion unanimously passed.

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Amanda Mojarro, Deputy Clerk

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Barb Heck, Chairperson

**Minutes – 04/30/2021:** Mayor Bachran moved to accept the minutes as presented, seconded by Commissioner Barb Heck. Motion unanimously passed.

**Draft Ordinance 2021-TBD Outdoor Lighting Regulations:** Arron Watson presented the committee members the draft ordinance and stated that the ordinance is to show to reduction of light pollution.

Mayor Bachran moved to approve the draft ordinance 2021-TBD outdoor lighting regulations, seconded by Trustee Budinger. Motion unanimously passed.

**Master Plan Update:** Town Clerk/Administrator Ferguson gave an update on where the master plan process is at to date. She also stated that the master plan has not been revised since 1997 and recommended to include a line item in the 2021 budget for a master plan consultant.

Commissioner Barb Heck moved to approve the master plan update and recommended that the Board add a line item in the 2021 budget for a master plan consultant, seconded by Trustee Budinger. Motion unanimously passed.

**Adjournment**

Chairperson Foguth adjourned the meeting at 4:30 pm

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Amanda Mojarro, Deputy Clerk

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Monica Foguth, Chairperson

DRAFT

AGENDA SUMMARY FORM



Davis – Minor Subdivision Variance Application Review – TBD Niagara Avenue

Summary: Applicants request a recommendation for approval of a variance for lot size requirement in R-2 when submitting Boundary Adjustment application to the Board of Trustees.

NOTE: Issue with Variance section listed in Chapter 18 – Article 7 – Division 2. The primary Variance process is not well defined within the Town Municipal Code. Historically Town follows Appeals section requirements for review and Board recommendation for approval. The criterion for approval is as follows:

Sec. 18-7-240 (j)

Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws, resolutions, or ordinances.

The variance is for the reduction of lot size from the minimum required 6,000 square feet to 5,375.

Tow water standby taps exist for the lot. Staff recommends approval.

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Steve Clisset:	Mary Bachran:		

## SPECIAL REVIEW/VARIANCE APPLICATION

Name Jesse Robert & Shari Davis Application Date 8-23-2021  
 Property Address TBD Niagara St. P&Z Hearing Date 1.27.2022  
 Telephone Number [REDACTED] Council Hearing Date 2.22.2022

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.

- 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**

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 Too much yard to keep watered under present conditions
- b. Current Zoning of Property Residential R-2
- c. What land boundary changes are necessary? one line
- d. What addition/changes to existing buildings/structures will be made? None
- e. What new buildings/structures will be constructed? a residential home after sale of the lot
- f. What additions/changes in utilities will be necessary? Include water, sewer, gas, and electric. Water Tap owned, the rest purchased and installed
- g. Will property have Commercial/Private or Public Use? private public use residential
- h. Anticipated traffic flow and volume? not any except one driveway for a residence

- i. Detail the Safety and Disabled Access accommodations? none
- j. Detail the possible environmental impact; such as noise, lighting glare, pollutants, etc. NO

Comments: The property years ago had a large area for a big garden and also a non-permitted well. With changes to the Paonia Ditch with piping, the well dried up and as large as the lot is, it is not efficient to keep it green and watered. It is just slightly under 50' wide

**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 and initial correspondence. Additional charges will be invoiced for, 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 Shari Davis

PRINTED NAME Shari Davis DATE: 8-23-21

Clerks Acceptance 12.1.2021 DATE 

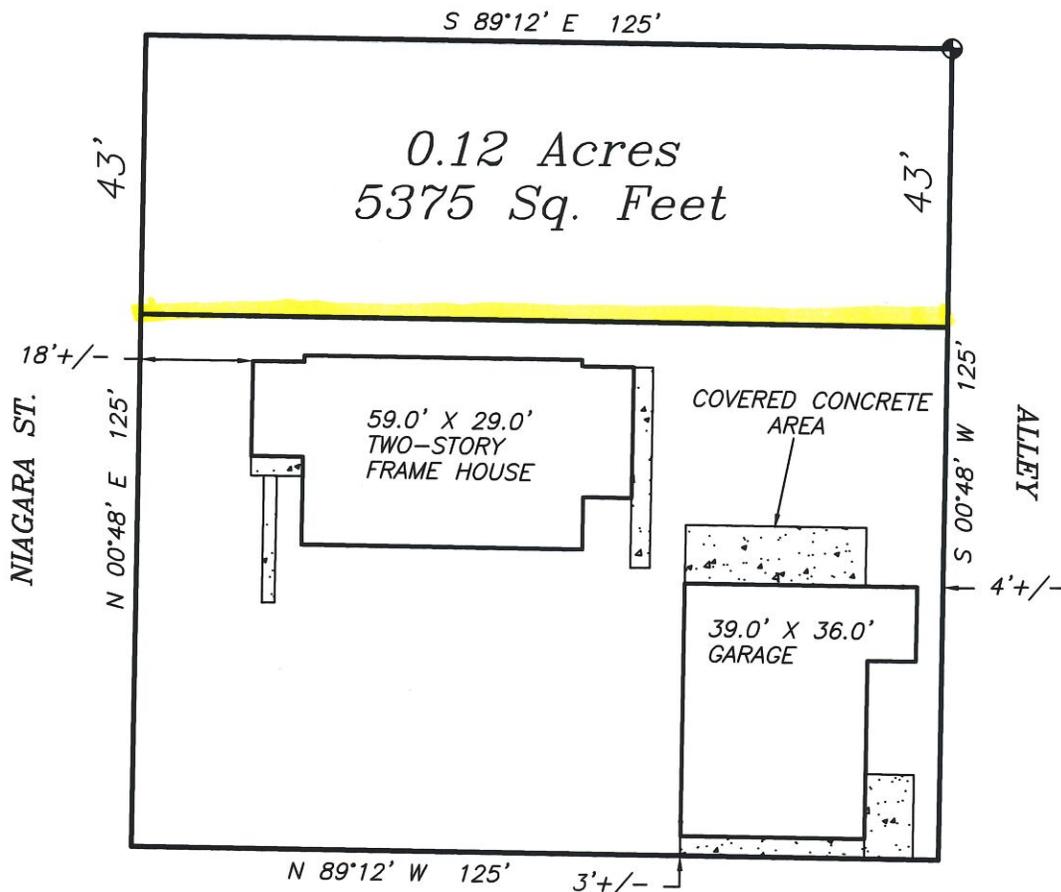
Shari Davis 11 @ gmail. Com.

# IMPROVEMENT LOCATION CERTIFICATE

## THIS IS NOT A SURVEY

**BORROWER(S):** SHARI DAVIS AND JESSE ROBERT DAVIS, AS JOINT TENANTS  
**LENDER:** WELLS FARGO HOME MORTGAGE  
**PROPERTY ADDRESS:** 225 NIAGARA STREET  
**GENERAL LOCATION:** PAONIA

**DATE:** JANUARY 4, 2002



**TYPICAL LEGEND**

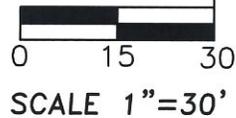
- Found pin with cap
- \*— Fencelines
- T— Tel. line
- E— Electric (overhead)
- G— Gas line
- H— Water line
- Easement
- ~~~ Creek - River
- Irrigation ditch
- ▨ Concrete

**NOTE:**  
 BOUNDARY LINES ARE UNKNOWN WITHOUT A SURVEY. ONE MONUMENT WAS FOUND. THE IMPROVEMENTS APPEAR TO BE WITHIN THE BOUNDARY LINES.

**LEGAL DESCRIPTION:**

LOTS 27, 28, 29, 30 AND 31 IN BLOCK 6 OF THE ORIGINAL TOWN OF PAONIA, COLORADO.

COUNTY OF DELTA,  
 STATE OF COLORADO.



INVESTIGATION BY WILMORE AND COMPANY PROFESSIONAL LAND SURVEYING INC., 4053 GERMAN CREEK DRIVE, PAONIA, COLORADO 81428 (970)527-4200 FAX (970)527-4202  
 I hereby certify that this IMPROVEMENT LOCATION CERTIFICATE was prepared solely for WELLS FARGO HOME MORTGAGE, 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 4TH day of JANUARY, 2002, 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.



JOB# ILC02003 JANUARY 4, 2002 DRAWN BY: KC  
 COMMITMENT NO. 00202181 FIELD: KC/JAM PROFESSIONAL LAND SURVEYOR COLO# 25972

AGENDA SUMMARY FORM

Agenda Item # CALL	Adjournment
	

Summary:

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
OPEN:	Mary Bachran:		