



**TOWN OF PAONIA**  
**MONDAY, JUNE 22, 2020**  
**PLANNING COMMISSION MEETING AGENDA**  
**5:00 PM**

**PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:**

[HTTPS://US02WEB.ZOOM.US/J/81519387162](https://us02web.zoom.us/j/81519387162)

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**DIAL(FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):**

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**WEBINAR ID: 815 1938 7162**

**INTERNATIONAL NUMBERS AVAILABLE: [HTTPS://US02WEB.ZOOM.US/U/KFSZ72OQ6](https://us02web.zoom.us/u/kFSZ72Oq6)**

**PRESS \*9 TO RAISE HAND TO SPEAK**

**Call to Order**

**Roll Call**

1. Roll Call

**Approval of Agenda**

2. Approval of Agenda

**Unfinished Business**

3. Minutes:  
February 27, 2020


**New Business**

4. Appointment of Chair
5. Spiegel Fence Variance
6. Paonia Master Plan Update

**Adjournment**

7. Adjournment


AGENDA SUMMARY FORM

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

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		

AGENDA SUMMARY FORM

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

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		

**Minutes**  
**Planning Commission Regular Meeting**  
**Town of Paonia, Colorado**  
**February 27, 2020**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Planning Commission held Thursday, February 27, 2020, was called to order at 5:00 PM by Chairperson Barbara Heck, followed by the Pledge of Allegiance.

**Roll Call:**

Commission members present were as follows:

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

Town Staff present were as follows:

Administrator Ferguson  
 Deputy Clerk Amanda Mojarro

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

**Approval of Agenda**

Motion made by Commissioner Hunter, Supported by Trustee Bear to approve the agenda.  
 Motion carried unanimously.

**Unfinished Business**

Minutes – June 26, 2019

Commissioner Hunter recused herself from voting.

Motion made by Mayor Stewart, Seconded by Trustee Bear to approve minutes as presented.  
 Motion carried unanimously.

**Amendment to the Building Code - Municipal Code Chapter 18**

The purpose of the Planning Commission meeting regarding the amendment to the building code chapter 18 is to hear public input.

Chairperson Barbara Heck opened the meeting to discuss the working documents of municipal code chapter 18 edited by Building Inspector Dan Reardan.

Commented points:

- Building Inspector Reardan reviewed the zoning
- The permit is issued depending on the zoning
- Fire sprinkler, blower door test, and blocker test - no inspectors for these tests.
- Page 17 section (5) - the installation handbook for manufactured homes and factory-built housing edition January 2016 needs to be 2018.
- Page 19 section (9) - section 7-3-80 Removal of junk - new ordinance
- Page 37 - zoning districts – Mobile Home
- Page 38 - section 16-2-40 - R2, needs language clarity
- Page 39 - section 16-2-90 - I - Industrial District and I2 zone - master plan 3-mile radius
- The zoning section needs to be reviewed and have clearer language.

- Storage units under 200 square feet typically do not need permits according to Building Inspector Reardon.
- Discussed corner lots.
- Page 129 - parking space requirements
- Town of Paonia will need to consider formalizing a building department board of appeals.

Building Inspector Reardon reviewed the building code - municipal chapter 18 and noted in red what needs to have clearer language and gave his feedback. Documents were included in the packet.

Planning Commission meeting to continue the discussion from page 133 to be scheduled for a future date.

Mayor Stewart left the meeting at 5:53 pm.

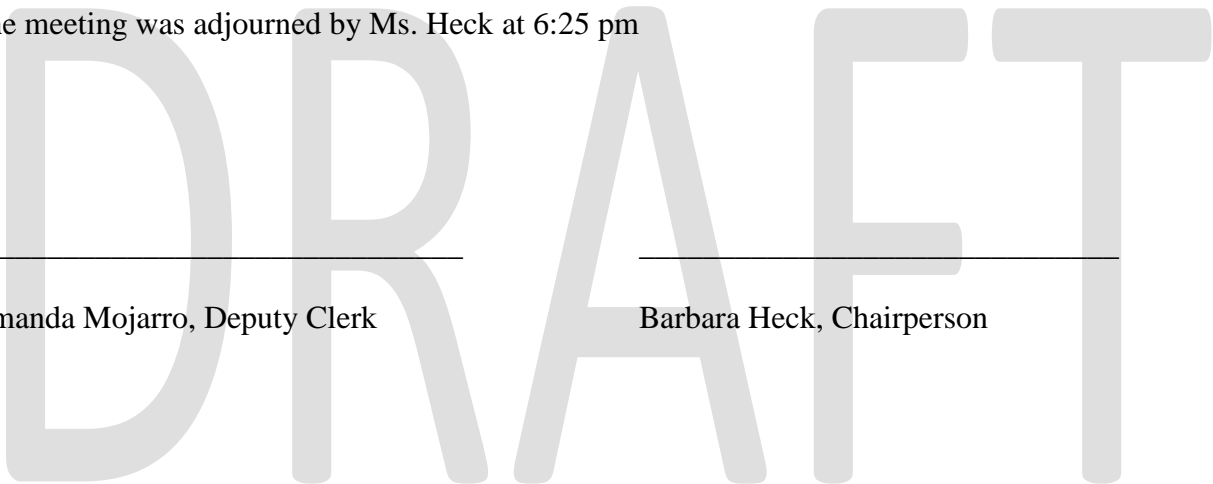
**Adjournment**

Motion by Chairperson Heck supported by Trustee Bear to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned by Ms. Heck at 6:25 pm

\_\_\_\_\_  
Amanda Mojarro, Deputy Clerk

\_\_\_\_\_  
Barbara Heck, Chairperson



AGENDA SUMMARY FORM



Appointment of Chair

Summary:

The Paonia Municipal Code states in Chapter 2 Article 6 - Sec. 2-6-40. - Appointment of offices. The Commission shall elect its Chair from among its membership and create and fill such other of its offices as it may determine. The term of each such office, including that of the Chair, shall be for two (2) years.

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		

AGENDA SUMMARY FORM



Spiegel Fence Variance

Summary: Deborah Spiegel applied for a variance to the current fence ordinance April 30, 2020. The application review was completed May 1, 2020 and referred to the Planning Commission. After preliminary review with Ms. Spiegel and review of the application, attached documents, and the Paonia Municipal Code, it is my recommendation the planning commission grant Ms. Spiegel's variance request and recommend final approval by the Board of Trustees.

While there is no clear guidance within the municipal code for the Planning Commission or Board of Trustees to make the determination to approve or deny a variance, there is clear guidance for review of a denial by the Zoning Board of Adjustments. If you use the guidelines of the ZBA for the review you will find that Ms. Spiegel meets the criteria for approval. The municipal code Article 15 Section 16-15-10 states the following:

..... a variance from such strict application so as to relieve such difficulties or hardship; provided, however, that:

- (1) The variance granted is the minimum necessary to alleviate such practical difficulties or undue hardship upon the owner of said property.
- (2) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the general plan or this Chapter.
- (3) The circumstances found to constitute a hardship were not created by the appellant, are not due to or the result of general conditions in the district and cannot be practically corrected.

It is my opinion that the request, which extends the proposed fence 6 inches outside of compliance under the current ordinance, and falls within the permitted area of the modified fence ordinance which is under review of the Board of Trustees, meets the criteria necessary to grant a variance and after preliminary review with Ms. Spiegel and review of the application, attached documents, and the Paonia Municipal Code, it is my recommendation the planning commission grant Ms. Spiegel's variance request and recommend final approval by the Board of Trustees.

	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		

Empty rectangular box for additional notes or comments.

## SPECIAL REVIEW/VARIANCE APPLICATION

Name Deborah Spiegel Application Date April 30, 2020  
Property Address 255 Orchard P&Z Hearing Date 4.22.2020

Telephone Number 719-251-9879 Council Hearing Date 4.23.2020

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. *Printed*
- A list of the names and addresses of all property owners within 200 ft. of the property.
- N/A*  All off-street parking and loading areas.



- N/A  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.
- N/A  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.
- WA  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 Need additional height on my fence for safety reasons due to having a sweet but large dog. She is currently on a cable with no fence. People who walk by

don't know she is on a cable and it scares them sometimes, although she is super sweet. I'd like to offer her access to my yard free of the cable and free of other dogs and people just coming in her space. I also don't want stray dogs coming onto my property and a fence would keep them out. There is no backyard because of the way the house was positioned on the property. So I want to install a transparent fence to provide this yard for my dog and and to keep visibility for cars and kids. See attached photo of dog by a 3 foot fence.

- b. Current Zoning of Property R1
- c. What land boundary changes are necessary? na
- d. What addition/changes to existing buildings/structures will be made? building a fence
- e. What new buildings/structures will be constructed? fence
- f. What additions/changes in utilities will be necessary? Include water, sewer, gas, and electric. none
- g. Will property have Commercial/Private or Public Use? no
- h. Anticipated traffic flow and volume? na
- i. Detail the Safety and Disabled Access accommodations? na
- j. Detail the possible environmental impact; such as noise, lighting glare, pollutants, etc. none

Comments: I am asking for a variance on fence height for my corner. The plan is to use cattle guard fence panels which are 52 inches tall, 98% transparent wire panels, mounted in a post and rail frame, This provides a highly transparent fence so approaching traffic or pedestrians will be visible. This provides no visual obstruction because the top rail is higher than a driver's line of sight.. We will keep any greenery trimmed to allow for continued visibility. The street I am on is not a through street and only has a few houses on it, so very low traffic. My yard does not meet a standard layout

with a front and back yard. I appreciate the town's willingness to work with me to come up with a safe corner fence to meet all safety requirements for myself and the townspeople and provide a safe place for my dog to be outside .. Attaching photos and will send other documents

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\_\_\_\_\_  
\_\_\_\_\_

**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.

**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 Deborah Spiegel

PRINTED NAME Deborah Spiegel DATE: 4/30/2020

Clerks Acceptance 5/1/2020 DATE 

# 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 Monday, June 22, 2020 beginning at 5:00PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider a request for:**

**Variance Request for Deborah Spiegel**

Fence Height

255 Orchard Avenue Paonia CO 81428

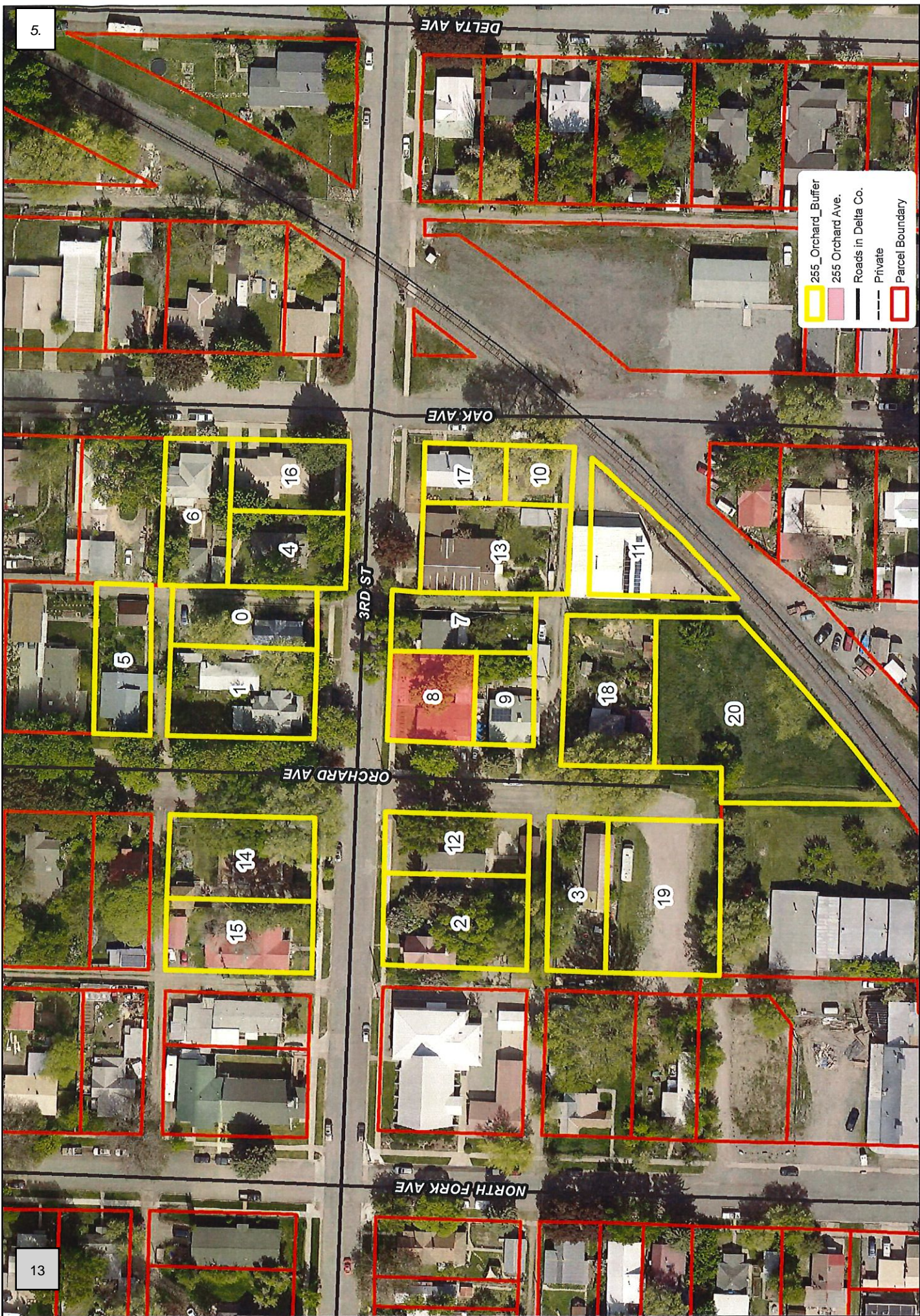
**In compliance with the Municipal Code of the Town of Paonia, Colorado, the Board of Trustees will hold a public meeting on Tuesday, June 23, 2020 on or after 6:30PM location to be determined due to COVID-19 Gathering regulations, Paonia, Colorado to consider the Planning Commission recommendation for:**

**Variance Request for Deborah Spiegel**

Fence Height

255 Orchard Avenue Paonia CO 81428

If you are unable to attend but wish to comment, comments can be made at Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com) until June 17, 2020.



- 255 Orchard Buffer
- 255 Orchard Ave.
- Roads in Delta Co.
- Private
- Parcel Boundary

Delta County, Colorado



GIS Disclaimer:

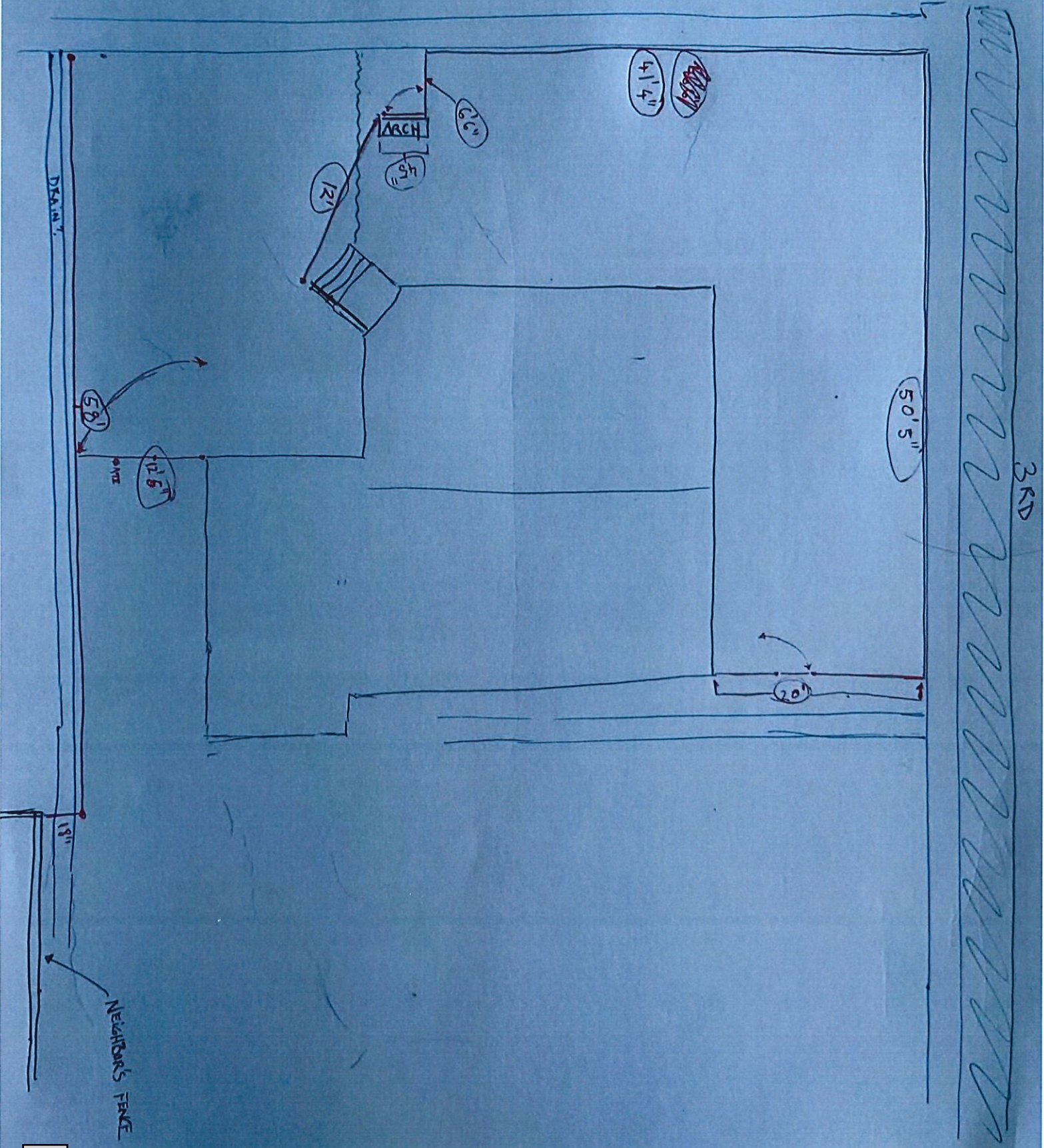
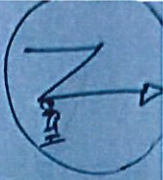
This GIS map data is not a legal document or a survey instrument. Delta County assumes no responsibility for any use of the map data or any loss from using the map data. The data is provided on an "as is" basis with no guarantee to be spatially accurate, complete or current. Due to the dynamic nature of data, some inconsistencies will exist.

Delta County GIS

1:1,250

*R. Murphy 4/2020*

# ORCHARD



June 2020

I have been waiting to put up a fence in my yard at 255 Orchard, the green house on the corner of 3rd and Orchard, for a long time.



As you can see from this photo of our dog by a short fence, a 3 foot fence would not work for us.



Disappointingly, last year the fence height for corner properties was lowered to 3 feet, which makes it even a more difficult hardship for us..

We are requesting a higher fence.

My house does not have a typical “backyard”. There is no “back” to my property . The house was built in the 50s before any land development regulations were put into place . As it is situated on the property it was not built with a backyard as such. This pre-existing situation creates a hardship now in terms of being able to provide my dog with an adequate enclosure. We want to enclose the entire yard with a 4.5 foot clear view fence.







(As you can see, this side has a landscaped flower garden facing 3rd street)



The fence will go along 3rd street, turn right at the property line between my house and the yellow house, and when even with the corner of their house, it will have a gate from my fence to their house, allowing the neighbors to access the strip of property next to their house. They have agreed to this and have submitted a copy of their agreement.



The fence will go on my side of the drainage ditch and parallel to it, between my house and the house next door on Orchard, up the side of my driveway to their existing fence. We will put a big gate from the fence to our garage



The fence will go from the front stairs to the sidewalk.



I live on a dead end street with 3 other families, so the traffic is minimal to non-existent.

The fence will be set back from the road so the cars will have visibility when driving.

The fence I plan to install will be transparent, so there will be visibility for drivers and kids..

My dog will be contained and free to run in our own yard.



I want to use hog panels framed in wood. The panels are 50 inches tall, and the wood on top will add a few more inches.

We, as the residence and owners of 707 3rd street, Paonia, Co give Deborah Spiegel permission to attach a gate across the property line from her fence on the 255 Orchard property. With the condition of continued access to that area of our property through the new gate. We do reserve the right for either party to remove said gate if either party sells or intends to sell their property or if required to insure their property.

Zane and Kaja Bowman  
(970) 623-2375

*[Handwritten signature]* 5/21/20

*[Handwritten signature]* 5/21/2020

**Corinne Ferguson**

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**From:** David Noe <dcnoe@hotmail.com>  
**Sent:** Thursday, June 18, 2020 9:42 PM  
**To:** Corinne Ferguson  
**Subject:** Public comment on fence proposal for Deborah Spiegel

Hi Corinne,

I am Deborah Spiegel's next-door neighbor and would like to weigh in with my support for her proposed project and design to fence her yard at 255 Orchard Avenue, Paonia.

The design is a good one and is necessary, as they have a very large dog. I have no problem with the proposed height of the fencing, at approx. 4-1/2 feet. It seems appropriate and not too high for its purpose. Its open design, using hog-wire panels, allows for plenty of visibility.

Thank you for the opportunity to write on this matter.

David C. Noe  
223 Orchard Avenue, Paonia  
(720) 466-0779

AGENDA SUMMARY FORM



Paonia Master Plan Update

Summary:

Large empty rectangular box for providing a summary of the agenda item.

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		

AGENDA SUMMARY FORM

Agenda Item # CALL 	Adjournment
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Summary:

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		