

# MINUTES

Board of Adjustment

Community Center, 3<sup>rd</sup> Floor Conference Room



*Thursday, May 13<sup>th</sup>, 2021, at 4 pm | Meeting called to order at 6:03 pm by Rose Nyman, Chairperson*

## Attendance

Members Present: Bill Johnson, Chairperson; Donna Kostelecky, Vice-Chair; Judy Barber; Stormi Brosseau

Members Absent: None

Staff Present: Carl Hamming, Planning Director; Gayla Hess, Planner II; Carlye Hansen Planning Department Secretary

Guests Present: Please see sign-in sheet.

## Approval of Minutes

October 1<sup>st</sup>, 2021

Motion was made by Donna Kostelecky to approve minutes from October 1<sup>st</sup>, 2021, with corrections as noted; seconded by Judy Barber. Motion passes 4-0.

## Public Hearings

1. V21-001 Montana Ranch Holdings, LLC

A PUBLIC HEARING on request by Montana Ranch Holdings, LLC for a variance to allow relief from [Sec. 24-255](#) (2) of the Development Permit System which limits maximum structural height of structures to 28 feet for structures within the Aspen Hills/Clear Creek Development District. Applicant proposes to build a two-story residence. Property is legally described as:

S19, T04 N, R12 W, C.O.S. 206C, ACRES 544.94, Tract 11, IN ALL

## Staff Report

Carl Hamming, Planning Director reviewed and presented the staff report put together by he and his office. All content can be located on the ADLC website. Mr. Hamming reviewed the nature of the request by Montana Ranch Holdings, LLC as requesting relief from Section 24-255(2) which limits maximum residential structural height to 28 feet. Applicant wishes to construct a residential house to be 47 feet at its maximum height.

The Planning Department does have proposed findings, recommendations, and conditions, and these were gone over in detail,

Bill Johnson asked about the section that is highlighted in yellow and whether that represents the building lot? Carl confirmed that this does and that it is the 545 acres, tract #11, that they would like to build on. Mr. Johnson confirmed that **there is no one building within this area or within ½-mile or so. Mr. Hamming stated that there will be no neighbors around** in which to obstruct their view or not give them any sunshine. He stated that in this case, the nearest resident would be anywhere from 6 to 8 miles away. This is on the back side of Mt. Haggin and to the west of Mt Haggin against the Forest Service boundary. They are hoping to build on the west side of Section 19. They will have forest to the north, to the west, to the south, and then they own 10,000 in the Mill Creek drainage.

## Applicant Report

Mike Grayson, Attorney at Law, is the legal representative for Montana Ranch Holdings, LLC. This LLC purchased the land in upper Mill Creek last year. As stated, they are interested in building a large single-family residence up there. Mr. Grayson looked at the history of the ordinance and the current Clear Creek/Aspen Hills Development District first adopted

a structural height limit of 28 feet back in the year 2015. Up until then, there was no structural height limit within the entire district. They went around that year and there were numerous districts where there was not a structural height limit.

Mr. Josh Jons, architect for the Montana Ranch Holdings, LLC, reviewed his plan and the plan of the contractors, described the house in detail, and answered any questions about the layout, as well as the location of the house.

Questions from the Board

There were several questions, mainly regarding the location of the actual building lot, the distance from all neighbors, as well as whether there will be any interference with wildlife or endangered species. Mr. Johns stated that this project is located very remotely, and that in actuality, no one will even know it is there. It is miles away from any neighbors, and the road going into this area is being improved for access, however, in the winter, there will likely be no access to this area.

Public Comment

None

Motion is made by Judy Barber to approve this the variance request to allow the maximum structural height to exceed 28 feet to a height of 47 ft at the highest point with the recommendations and condition as presented by the Planning Department; seconded by Stormi Brosseau. Motion passes 3-0.

2. V21-002 Ray and Michele Dayton

A PUBLIC HEARING on a request by Ray and Michele Dayton for a variance to allow relief from Chapter 13, Appendix A., Division 2, which prohibits fencing within or bounding a required front setback from exceeding 4 feet in height. Applicant proposes to build a 5-ft fence (2-foot masonry knee wall with 3-foot wrought iron fence on top).

Staff Report

Carl Hamming, Planning Director reviewed and presented the staff report put together by he and his office. All content can be located on the ADLC website. Mr. Hamming reviewed the nature of the request to install a 5-foot fence around the perimeter of the property. Applicant proposes constructing a 2-foot-high masonry knee wall with a 3-foot wall wrought iron fence panels and gates in front of the house. The side yard portion of the property would be all 5-foot-tall wrought iron fence panels with no knee wall.

The Planning Department does have proposed findings, recommendations, and conditions, and these were gone over in detail,

Applicant Report

Mr. Ray Dayton was present to discuss his upcoming project. He gave much history on his historic home, as well as submitted pictures from how it looked at the turn of the century. At that time there was wrought iron fencing, and he is hoping to return this back to the previous grandeur of year's past. He will be assuring that there will no obstruction within the vision triangle of this house, and that he has discussed this with several of his neighbors in detail.

Questions from the Board

None

Public Comment

Mike Grayson, Attorney at Law, 522 Hickory Street

Currently, Mr. Mike Grayson, who was here representing the earlier variance request for Montana Ranch Holdings, is also a neighbor of Mr. and Mrs. Dayton and he is very much in support of this project.

Lester Stone, 510 Main Street

Mr. Lester Stone, who is a neighbor behind Mr. Dayton's residence, was in attendance this evening to support Mr. Dayton and his wife and stated that they are amazing neighbors and that he is very much in support of the project.

Motion is made by Donna Kostelecky to approve the variance request to allow relief from Chapter 13, Appendix A., Division 2, which prohibits fencing within or bounding a required front setback from exceeding 4 feet in height. Applicant proposes to build a 5-ft fence (2-foot

masonry knee wall with 3-foot wrought iron fence on top with the recommendations and conditions as proposed by the Planning Department; seconded by Stormi Brosseau. Motion passes 4-0.

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## New Business

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1. Discussion and possible nomination of New Board of Adjustment Chairperson for 2021.

Motion is made by Donna Kostecky to appoint Stormi Brosseau as the new Board of Adjustment Chairperson for 2021; seconded by Judy Barber. Motion passes 4-0.

2. Discussion and possible nomination of new Board of Adjustment Vice-Chairperson for 2021

Motion is made by Bill Johnson to appoint Donna Kostecky as the new Board of Adjustment Vice-Chairperson for 2021; seconded by Judy Barber. Motion passes 4-0.

Carl Hamming, Planning Director, just wanted to share information from the 2021 Legislative Session regarding the new requirements for conditions of approval for subdivision. Seeing that the meeting this evening has gone longer than he thought it would, he was just wanted to make the Board aware and ask that they look over the information provided to them in their packet.

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## Miscellaneous

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Matters from the Staff

None

Matters from the Board

None

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## Public Comment

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None

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## Next Meeting

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TBA

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## Adjournment

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Meeting was adjourned at 4:40 p.m.

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## Final Minutes Approved

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Respectfully Submitted,  
Carlye Hansen  
ADLC Planning Department Secretary

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