

**Board of Adjustment Public Hearing and Meeting Minutes**  
**July 27, 2016 • 3:30PM**  
**Abel Atencio Community Room • 570 Goddard Ave • Ignacio, CO 81137**

Members Present: Larry Tucker, Chairman; Kathy Lorenzini; Dixie Melton; Amanda Rockwell; Donna Young

Visitors: Mark Garcia, Interim Town Manager; Dan Naiman, Community Development Coordinator; Tom & Connie Atencio, Property Owners; Lana Jo Chapin, Property Owner

Members Absent: None

Larry Tucker, Chairman, opened the Public Hearing at 3:30PM. He stated that the purpose of the hearing is to allow the citizens of the Town of Ignacio to voice their comments on the request for variance that has been submitted by Mr. Tom Atencio to replace the mobile home on Residential lot in R-2 Zone at 365 Browning Avenue. He gave instructions to the participants to raise their hand if they would like to speak, wait for him to call on them, and then state their name prior to speaking. He then asked Dan Naiman, Community Development Coordinator, to give an introductory comment.

Dan Naiman gave this background information: about a month ago, Mr. Atencio came in for a building permit to do some repairs on the roof of his existing mobile home. After conversations between Dan and Tom, they decided he would build a new structure over the existing roof; however, after researching this option it was discovered that this would be almost as expensive as replacing the mobile home. The R-2 Zone does not allow for mobile home use; however, there are a few existing mobile homes in this zone that are grand-fathered in. Based on the zoning, Mr. Atencio would not be allowed to replace the mobile home, which explains why he is now requesting a variance. The packet for the meeting contains the pro and con statement of the Community Development Coordinator, maps, and other documents. There are certified receipts for mailings to the property owners within 100' of Mr. Atencio's property, and Mr. Atencio has complied with all the requirements for submitting this request for variance.

Larry Tucker asked for comment from Lana Jo Chapin, property owner in Ignacio. She replied that she may have questions after Mr. Atencio gives details as to how the unit will sit on the lot, etc. Mr. Naiman clarified that Ms. Chapin owns property across the street from Mr. Atencio, and her property is within 100' of Mr. Atencio's property.

Larry Tucker stated that, due to a lack of attendance, he would like to adjourn the public hearing. Mr. Atencio asked if he could make some comments prior to the adjournment of the public hearing or if he would be able to approach the Board of Adjustment after the public hearing. Mr. Tucker stated that he would reserve all of Mr. Atencio's comments for the Board of Adjustment Meeting which will immediately follow the public hearing. Ms. Chapin asked if there would be time for comments and questions during the Board of Adjustment meeting. Mr. Tucker stated that there would be; he then officially closed the Public Hearing at 3:39PM.

## I. Call to Order

Mr. Tucker called the meeting to order. He stated that the purpose of the meeting is to review the application from Mr. Tom Atencio in the R-2 Zone, 365 Browning Ave. One of the members of our Board of Adjustment is personally involved in this situation, as she lives within 100' of Mr. Atencio. She has received the notice regarding this request. As a result, we have asked her to excuse herself in the voting regarding this request. Mr. Tucker then asked her if she had any comment. Kathleen Lorenzini responded by saying that she has no comment.

Mr. Tucker opened the floor to Mr. Atencio to give comments on his application.

## II. Mr. Tom Atencio – Request for Variance

Mr. Atencio stated that the request is being submitting by both him and Connie. There is currently a 1966 mobile home that is 50' by 20' on that lot. If approved by the Board, we would like to replace it with a 2016 mobile home that is 32' by 56' mobile home. As Mr. Naiman said, we took out a permit to replace the roof and do some things inside the home. While getting into that, we learned it would get us between 40 and 50 thousand dollars. We feel that is too much money to spend on renovating an old mobile home. We believe that it would improve the neighborhood if you would allow us to replace it with a new mobile home. This new mobile home will be a little larger, but it will still give us clearance on all sides of the property according to code. Packet has a picture that is very similar to what will be purchased. We are requesting that the Board of Adjustment allow us to put the mobile home on our lot because, after we compared the price to put a modular on the lot (keeping in mind we only have about another 30 years to live) we feel that about \$180,000 for a modular is too expensive. If we are allowed to put the mobile home on the lot, it will have a permanent foundation put under it that will meet both HUD and FHA specifications; it will be 32" below ground level with a permanent block wall around it with runners running on the inside. There will be runners on each side of the mobile home and a large pad running down the center to tie in both sides of that mobile home. The mobile home will be permanently tied to the foundation. There are anchors in the cement of the foundation, and there are straps that tie it to the frame of the mobile home. Are there any questions?

Mr. Tucker asked if Mr. Atencio is experiencing maintenance problems with the current residence, and what sort of problems are they. Mr. Atencio stated that they have had to replace the sewer, upgrade the electricity, and there are other things that are starting to build up. The floor needs to be redone and the roof needs to be redone. This past winter the roof began to bow from the ice and snow; the only way to mitigate that is to build a self-supporting roof. This is what prompted this whole process.

Mr. Tucker stated that, now that Mr. Atencio has presented his case, he is open to hear comments from the public.

Lana Jo Chapin stated that she had questions about the side set-back. Also, if there is currently a garage on the property that will remain, along with the additional structures on the property. Perhaps the side set-back needs to be considered if it is too small for meeting the requirements of the fire code. She stated that she is not objecting to the project, just wanting to make sure that all the details

have been considered. She also expressed concern that this new larger structure may not leave enough open space on the property to meet code requirements. She also wanted to know how the structure will look different from the picture that was presented.

Mr. Atencio replied that the only difference between the picture and the actual is that the structure will only have one gable; everything else (including the color of the structure) will be the same as the picture.

Mr. Naiman clarified the grandfather clause: if you do work on part of the building, that part of the structure needs to be brought up to current codes, not the entire building (unless there is a greater than 50% remodel). In regard to set-back requirements (table 3-5-7, footnote #2), the 10' separation is if there are 2 mobile home units on the same parcel. Since the mobile homes are on separate parcels, the 5' set back on each mobile home unit will meet the 10' requirements of the fire code. If Mr. Atencio had gone through with building a structure over his current roof, it would have increased the footprint of the entire unit to more than what it will be if he is allowed to go through with what his desired plans are. Even then, he would still have met all the requirements for the 40% open space, so we know he will meet that requirement now.

Mr. Atencio clarified that the roof structure would have been 44' by 56' instead of 32' by 56' for the mobile home unit. He also clarified that this unit will be a Colorado coded home with the heavier insulation, and will have 2x6 walls instead of 2x4 walls. It will meet the weight limit for our area as well.

Mr. Naiman stated that Mr. Atencio's plan to put the mobile home on a permanent foundation was his own idea, not a requirement of the Town. Mr. Atencio stated that it is actually an FHA and HUD requirement, perhaps because of their financing; he will personally finance the mobile home unit, but wanted to comply with FHA and HUD requirements anyway. He also stated that he wants the mobile home unit at ground level so they do not have to climb up and down stairs.

Ms. Chapin clarified that, while there are not specific calculations on this application with regard to open space, this structure is smaller than the previously proposed roof structure, so we can be assured that this structure meets the requirements for the 40% open space. Are there plans for a porch on this unit?

Mr. Atencio stated that he would like to put a porch on the unit, but there are no immediate plans for that. If so, it would most likely be in the back where there is more space. Mr. Naiman clarified that, if there is no roof on the porch, there would be no need for an additional variance request. Previously there was a 32' by 12' covered porch; that has been torn out.

Ms. Chapin clarified that she is not trying to be difficult, but simply attempting to ensure that the minimum open space requirements are considered so that Mr. Atencio does not have any surprises.

Mr. Tucker stated that, from the Chair's perspective, this is the opportunity for all pertinent information to be brought to the Board. He asked Mr. Naiman if there were any further comments prior to the Board deliberating. Mr. Naiman stated that he had nothing further.

Mr. Atencio stated that he had one final comment. The code states that they need to let their neighbors, within 100' of their property line, know of their intent to request a variance. All the residents were sent certified letters and he has received all the certifications back; he has even spoken with each of them and there were no objections. In fact, some of them even stated that it would not negatively impact the value of the houses around his property because there are already mobile homes there. Mr. Atencio stated that he believes this will actually be an improvement to the neighborhood.

Mr. Tucker then stated he would like to move to the Board of Adjustment members for comment.

Dixie Melton asked for clarification on the size of the mobile home, which Mr. Atencio gave her. It will be a little longer, and a little bit wider, but it will be in exactly the same place. He would eventually like to add to the back, and he will still have good set-backs.

Amanda Rockwell asked Mr. Naiman to state that the set-back clearance is sufficient. Mr. Naiman stated that Mr. Atencio has sufficient set-back clearance on all sides. She then asked about the garage – with the additional 6 feet and permanent block wall, would that make it too close? Mr. Atencio stated that the permanent wall will not extend it out because it will be directly in line with the side of the mobile home.

Mr. Naiman stated that, to the South of Mr. Atencio's home is the driveway that goes to his garage. The width from the house to the back of the property line across the driveway is 12 feet, which is more than ample room. If you are looking at the picture of the property, there is an RV parked in the driveway. Ms. Rockwell stated that was her question...was that a permanent structure on the driveway? Mr. Naiman stated that it was not. Dixie Melton stated that she had been confused by that photo as well. Mr. Naiman clarified that the structure just to the left of the RV is the garage. Ms. Rockwell expressed appreciation for the clarification and stated that she simply wants to make sure that Mr. Atencio will still be within the required set-backs.

Ms. Melton asked Mr. Atencio if his garage is even with his current mobile home or if it sits back from it. Mr. Atencio stated that it sits back about 15 feet.

Ms. Rockwell asked Mr. Naiman why she did not have a letter with the feedback from the neighbors stating that they are okay with this variance request.

Mr. Atencio stated that he went personally to each of the surrounding property owners and asked them to sign the letter. A few of them did not sign it but simply printed their name on it. Mr. Kern Richard, who owns one of the houses behind Mr. Atencio's property, was difficult to get ahold of. Because of that, Mr. Atencio decided to send certified letters instead of continuing to attempt to reach the adjoining property owners personally. And that is all the code requires – that they be notified. Ms. Rockwell asked if we are required to see their responses; Mr. Naiman stated we are not. He has all of the receipts from the certified letters.

Mr. Tucker asked if there were any other comments; there were none. Mr. Tucker stated that he would entertain a motion to approve the variance requested by Mr. Atencio to place a mobile home on his property at 365 Browning Avenue within the specifications submitted on the application and

the various documents provided. He also stated that it would be helpful to the Board if, in the future, there is a note or memo that states that the requirement of notifying the neighbors has been met. Mr. Naiman asked if Mr. Tucker was asking for copies of the certifications of mailing; Mr. Tucker said not now, but he is making this request for future reference. He then called again for a motion.

Dixie Melton made a motion that the Board of Adjustment allow for the variance for Mr. Tom Atencio for replacement of mobile home on residential lot in R-2 Zone at 365 Browning Ave. Donna Young seconded the motion. Three raised their hand in favor of the motion, Ms. Rockwell voted against the motion.

Mr. Tucker stated that, by majority vote, the Board of Adjustment hereby approves the issuance of a variance for Mr. Tom Atencio at 365 Browning Avenue, within the stipulations of the documents, maps and plats submitted. He then asked if there were any other comments prior to closing the meeting.

Mr. Atencio requested that he received the written approval as quickly as possible so he can keep moving forward with this project. Mr. Tucker stated that will be up to Mr. Naiman. Once the minutes of the meeting are generated, Mr. Atencio should receive a copy of them.

Mr. Naiman stated that the Code says that the Board of Adjustment shall announce its finding by formal resolution, not more than 10 days following the conclusion of the final hearing on any application. He further stated that he would provide the documents needed to meet this requirement.

Ms. Melton asked who has to sign the resolution. Mr. Naiman clarified that the Chairman will sign off on the resolution which will state the decision of the Board of Adjustments. Mr. Tucker expressed appreciation to Mr. Naiman, Mr. Atencio, and the members of the Board.

### III. Adjournment

With no further business before the Board, Mr. Tucker adjourned the meeting.

Respectfully submitted,

Larry Tucker, Chairman