



## Town of Alpine Planning & Zoning Commission MINUTES

DATE: **January 25, 2005**

**Attending:** Board members: Dave Gustafson, Scott Reed, Don Sherman and Paula Stevens. Property Owners: Steve Dicenso. Contractors: Rex Doornbos and P&Z secretary.

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### 1 - CALL TO ORDER

### 2 - ROLL CALL & ESTABLISH QUORUM

3 - **P&Z MINUTES** January 11<sup>th</sup>, 2005 (tabled - not ready)

4 - **COUNCIL MINUTES:** *No Meeting*

### 5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **Steve Dicenso - residential built inside a commercial building without a building permit issue** - This issue has been discussed in prior P&Z meetings. Steve wanted to address the commission on wanting to know how they would like him to proceed. *Reference* building permits: C-04-01 & C-03-03 regarding Lot# 6 Kilroy Subdivision Storage Units originally owned by Marc Elkins. Steve Dicenso is listed on all inspection sheets as contractor on second phase by our inspector Lyal. He is now the owner.

Steve explained his situation. He bought the property last November from a realtor in Jackson. He was told by his realtor it was an all purpose Commercial and residential property. He has a small stone/masonry business and wanted a spot to keep his equipment and reside 2 to 3 times a week. He had clearly explained to the realtor what he needed. He was constantly informed it was dual use. He saw Kilroy's and felt it was indeed dual use. Marc Elkins, original owner was going to do the same thing that Steve did to building. He asked over and over if he could live there. He asked around if he needed a permit. He was told only if he added an addition or added to the footprint of building, or a garage, etc. He did not call the Town office and get any information though. He asked neighbors, friends, and his realtor.

He has built a high tech small studio apartment by himself. He came in this fall and did it over time with several loans from bank loans to credit card loans. When he went to refinance, the property appraised for much higher than what he bought it at \$65,000. But he now has a problem with refinancing as he needs it to be zoned residential. They cannot refinance the property if zoned commercial unless he puts 50% down, which he cannot. The property is commercial zoned.

Paula asked what is the estimated cost of structure built. Steve answered approximately \$65,000, which includes appliances, sheetrocking, painting. Paula asked what existed when Steve bought the property. Steve answered plumbing stubouts, electrical stubouts, 2 windows, 2 garage doors. He has now cut out/added 2 more windows. Paula asked Steve if he had contacted the Town. Steve answered that no he had not, he had only spoke with neighbors and his realtor. Paula asked who his realtor was. Steve at first did not want to say as he did not want to create problems for anyone but eventually answered: Snake River Properties.

Don asked Steve if he knew what some of the circumstances are to building without a building permit. Steve said no. Don explained how the Town could make him tear it all down as they do in Jackson. Dave added that one of the main issues is the leach field. The property's septic system/leach field was calculated for a 1-bedroom calculation. This system will not work for what Steve has now built inside the storage units. Dave asked if he was going to rent. Steve answered he is not renting as it is solely for him to live in. Steve asked about the properties around his that seem to be multi-use. Paula advised that some are grandfathered lots, non-conforming lots, but his is not. Steve asked if they can live on their properties. Paula again explained some are grandfathered or non-conforming lots so yes some maybe able to. Steve stated he was under full assumption was a multiuse. Scott added he heard the original owner, Marc Elkins state he had multi-use. Steve that it is a nice building and he wanted the members to take a look at it before making any decisions. Dave explained it maybe very nice but that is not the issue. Steve described all the work he had done. The secretary advised that none of his work was every inspected by the Town Inspector. Don explained a similar situation in Jackson and that the Town condemned the building. Don added that the Town has fire, structural codes that need to be followed and they don't know if he complies with any of them. Scott added it is a commercial property and has to have fire marshall inspections also.

Dave advised that the commission needs to discuss the situation thoroughly, research some options for both the Town and for Steve,

but no decision could be made tonight. There are too many issues to be dealt with. Paula added the inspections is an issue and that the Town wants to hold onto their commercial land uses as the Town does not have that many. The fundamental issue is a residential was built in a commercial zone. Dave asked Steve again if he was aware of the zoning. Steve said no, he was not aware, and he went by what his realtor told him. He has this small 800 sq.ft. apartment that he added and it's nice workmanship. He wanted the commission to rezone to residential to help him primarily with his refinancing and also so he can continue to live there as he would be without anything. Scott said Steve's honesty shows the misconceptions he's gotten definitely parallels the assumptions. The commission requested Scott to repeat himself. Scott again stated that THE MISCONCEPTIONS HE'S GOTTEN DEFINITELY PARALLELS HIS ASSUMPTIONS of what he had been told what he could put up. Dave explained that the intent to this meeting was to get Steve's viewpoint and information so the commission could better understand the situation. Dave added that there are options, there is a variance process and other items. He said that they now have a line of communication and that they will work together. He also wanted the commission to look at the zoning of adjacent properties when making any decisions. Dave brought up the leach field issue again and that was a main concern.

***Commission will discuss situation in more detail, review the adjacent properties, speak with attorney, review all the information given and then meet with Steve Dicenso again. Steve will be kept on the agenda as an ongoing issue. Secretary will fax variance process information regarding WY State Statutes to Steve as commission requested.***

- **TABLED- Commercial Building Permit #C-06-04- Peter Karns & #C-07-04- Jeff Dupont** - Peter Karns and Jeff Dupont are requesting a commercial building permit. They are building two business buildings next door to Town office building. Suppose to receive info re design from the property owners group. Have not received anything. Lyal and Joe both approved their inspections.

Issues regarding the safety of the children at the daycare were brought up by Don. The commission discussed how to safeguard the playground where the day care is. This issue will be addressed before a permit is given. No decisions were made at this time. Rex then explained about his building, that it was a shell, so he does not know how to answer questions regarding the parking, building usage, etc. Scott said that he can break it down into percentages, what is for office, storage, etc., the maximum amount of percentage for each item. Rex explained the concrete floor would be half poured, when someone leases and wants another bathroom then they will finish the floor or have to jackhammer the concrete out depending on the area. Dave said we're not talking about a finished product are we. Rex said no. Dave said he felt uneasy about permitting an unfinished structure. Paula and Don explained that it is done all the time. Paula added that there would be one permit for the shell of the building and then subsequent permits for the interior work.

Discussion turned to the parking calculations. Dave advised that the parking calculation could restrict the owners in who/what they rent/lease the property to. Don explained what the calculations could mean, whereas if the calculations show a certain amount that would work for a small office business then the owners could not rent out to a grocery store. Don said to give them the maximum amount of parking spaces. They advised Rex parking spaces measure 9x20, he also will need handicapped spaces and ingress/egress.

Paula asked about signage. The secretary advised that she heard that all property owners' signs had to be on the one existing sign. She advised Rex to look in the CC&R's. Paula asked about the landscaping plan, and added that you cannot legally landscape common areas that is owned by all property owners. Therefore who is responsible and what will these owners put in as landscaping. Rex said they would of course grade it. Paula requested more information and a landscape plan. Snow storage was discussed. The secretary advised that all property owners should be paying for snow removal as the Town is paying for all of it now. Rex said that the Town was putting snow onto Peter's property so he questioned where would the snow be put. Paula then asked about the screening that is needed between commercial and residential. Rex said that the Town's building, Alpine Market and several others does not have screening. It was clarified that it was needed and the other buildings would be looked into for enforcement on this issue. Paula advised need to be careful on where it is located so not to obstruct the view of drivers. It was concluded that too much information was still needed and that the property owners' group had not answered many of these items that have to be included in the permit process. Rex agreed to schedule the meeting to get the ball rolling so there would be no more delays. The secretary requested that one P&Z member attend this meeting as there were too many P&Z issues that needed answered and that the Mayor would not be able to give that information/answers. Commission agreed. Rex will call secretary with meeting information and secretary will find a P&Z member that will be available for that time. Rex was also advised that if he gets an approval from Fire Marshall's office to occupy he cannot.

***Due to no property owners group approvals/info, and a punchlist of items that needed to be addressed, the commission felt they did not have all the information needed to approve a permit to forward onto Council at this time. Rex will schedule the meeting of property owners to get all items settled before returning to P&Z. A punchlist of items P&Z is requesting are as follows:***

1. ***Signed/approved letter with items from property owners association/group as per info in the CC&R's***
2. ***Siteplan***
3. ***Garbage area***
4. ***lighting of building***
5. ***parking spaces, handicapped spaces, parking calculations, building usage***



***Items given to P&Z during tonight's meeting:***

- P&Z Profit & Loss Budget vs. Actual report
- Treasurer's request form for wish list from P&Z for budget
- Hawks & Levy Law Office paperwork for Alpine Timeline for Annexation and PUD approval

***Items mailed to P&Z prior to tonight's meeting:***

- Surveyor Scherbel's letter re Don Goetz Lakeview Townhouse Addition plat w/ draft affidavit
- Clerk's letter re Western Homes & Lands LLC duplex plan, possible replat needed

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*Dave Gustafson, Chairman*

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*Date*

*Attest:*

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*BofA/ P&Z Secretary*

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*Date*