



Town of Alpine Planning & Zoning Commission MEETING

DATE: **April 12, 2005**

Attending: Board members: Dave Gustafson, Don Sherman and Paula Stevens. Property Owners: Mary Flowers and Mrs. Rojo, Rob Wagner and P&Z secretary.

1 - CALL TO ORDER

2 - ROLL CALL & ESTABLISH QUORUM

3 - P&Z MINUTES March 22nd, 2005 *Paula Stevens motioned to approve March 22nd P&Z minutes, Don Sherman seconded. All in favor.*

4 - COUNCIL MINUTES: April 5th, 2005 *(Table-handed out at meeting) Tabled*

5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **WY Home & Ranch & Bruce Cameron lot issue** - *(info packet from Donn Wooden given at last meeting)* Members had reviewed packet for this meeting. Secretary advised a water transfer application came into the office showing Mr. Cameron's house was sold but P&Z were not advised to discontinue reviewing the info. Paula advised she spoke with Mr. Wooden and was told that the neighbor would have to replat not his client, Mr. Cameron.
- **Riverview Meadows Homeowners Assoc issue** - Mary Flowers advised P&Z of several building inspection issues their association had. They advised Town of new procedures and fees. Mary complained that the inspections were unacceptable. Don asked her for some examples. Mary told the commission about last winter a lady purchased a log home. The inspections were unacceptable. The house was off the foundation, the windows and doors leaked, and had no insulation. Lyal gave the C.O. Then there were other properties that have been purchased that insulation was not in floor, no foundation vents, these were built by J.B. Council Construction years ago. Don advised that insulation is not what Lyal reviews, he is inspecting more so for structural, rather than cosmetic. You can build a home without insulation. Mary asked if the UBC doesn't say it's required to have insulation. Don said he didn't know exactly what is in the UBC, but Lyal is to cover mostly the structural issues of a building. Mary continued about the log home, the builder started the foundation. The log package arrived too big and the builder put it on the foundation anyway. So the building was crooked. The builder was given a C.O. She advised that their site committee will become much stricter and requested P&Z to back them up. Don advised Mary to be careful in getting too strict as she would be setting themselves up for liability. Paula asked if RVM was prepared to take people to court and litigate if they do not comply with the CC&R's. Mary said yes. Paula asked exactly what Mary's proposal was that she wanted P&Z to back her up on. Mary advised on some of the fee changes and inspection process. Dave explained that the Town must follow the state statutes and codes and cannot set our own standards. Any deviations must be brought before the commission. Paula advised P&Z does not enforce design guidelines or CC&R's. However if something changed on building plans than that is a deviation of plans. She asked Mary to understand P&Z's limitations. Mary brought up how awful the neighborhoods look when driving down Grey's River Road. All agreed. Don told Mary that the Town feels RVM Homeowner's Association is doing a great job. That P&Z is happy with RVM homeowner's association and all their hard work. It is helpful to the Town. Mary explained a few other incidents with incorrect building. RVM Homeowner's Association is requesting Rob Wagner do their building inspections from now on as they feel the inspections have been substandard and unacceptable. P&Z said they would look into it and discuss this further with her.

- **ADJOURN MEETING at 7:29pm for a work session.**

- **RECONVENE at 8:09pm**

- **Shawn Bard request** - *(see request letter mailed prior to meeting)* Shawn is requesting to use a portion of his lot for temporary lumber storage. It will be covered storage. **Per pg. 140 Code I. Outdoor Storage, he will need a fence permit to build a fence if he is planning to store the lumber so it is not visible to the road and neighbors.**
- **Brian Simmers request** - Brian wanted to move a 22'x28' log cabin to his residence. The cabin will not have a foundation. The cabin will be stored for a year then an addition will be built on to it. **P&Z advised per 56-Ordinance 1996-56 501-U, he cannot but can request a variance if Brian wants to proceed.**

- **(Information Only) Meeting with Department of Fire Safety and Electrical Safety** - (meeting advisement mailed prior to meeting) Meeting in Afton on April 18th. Mayor will be attending. Would like at least one P&Z member, if not all to attend.
- **(Information Only) Jim Blittersdorf inquiry into Northstar Commercial building permit** - (see Correspondence mailed prior to meeting) Jim Blittersdorf sent a letter to the Town inquiring about Jim Sandner/Northstar Construction commercial building next to Gunnar's Pizza. Jim requested to know where the state fire marshal's review and approval were after stating he confirmed with the Fire Marshall's office that Mr. Sandner had no plan review or approval. Jim stated it was a 2-story real estate office and quoted W.S.S. 35-9-108. After conversations with Pat Westerholme at the Fire Marshall's office it was concluded that Jim did not have the correct information that he gave to the Fire Marshall's office in regards to the Northstar building. A review of the building permit packet verified that Jim Sandner had already discussed his building with Pat Westerholme and was advised he indeed did not need a Fire Marshall's review or approval which he had advised P&Z last year during his building permit process. P&Z had followed proper procedure in this permit.

On 4/5/05 Jim Stevens, Deputy Fire Marshall and George Smith, Electrical Inspector came to the Town office and advised the secretary that they would be going to measure Northstar's building. They stated that the loft area was a mezzanine and had to be a certain sq.ft. to not need a review. The secretary asked why this was not done before as Northstar has been framing roof over the last two weeks and the loft area has been visible. The secretary also stated that she would hate to see them have to tear down work they've already done when this information should have been given beforehand. Jim S. and George were given Jim Sandner's cell phone number to call to meet them on his property. Jim Sandner was never called but happened to be driving by, seeing Jim S. and George on his property, he stopped and spoke with them. Together they measured the mezzanine area and it was found to be under the sq.ft. that would require a fire marshal's review. Later, Jim Sandner said he found it pretty hokey the two men appearing out of nowhere to measure his mezzanine area after discussion on how long he's had his framing up and no one had questioned it until after Jim Blittersdorf made his inquiry. Jim Sandner advised Jim Stevens and George that before he had submitted his permit application/plans to the Town he had spoken to Pat Westerholme of the Fire Marshall's office, reviewed everything, and she had told him to state it was a mezzanine and that no one ever told him there was a certain square footage it had to be to have a review or not. He asked the men why no one told him about this square footage issue before. No real answers were received. ***Conclusion, though already addressed during the Town's permit process last year: No Fire Marshall's plan review or approval is necessary for this building.***

6 - UNFINISHED/ONGOING BUSINESS:

- **Steve Dicenso - residential built inside a commercial building without a building permit issue** - Reference building permits: C-04-01 & C-03-03 regarding Lot# 6 Kilroy Subdivision Storage Units originally owned by Marc Elkins. Dave stated that Steve obviously violated Town Codes. Paula said people need to know this is not acceptable. He built without a building permit whereas it is posted on our Town sign that a building permit is needed. Dave added he obviously knew what he was doing. When discussing the fine, it was realized that the fine could be as high as \$273,000. Dave said the ultimate objective is to show you cannot build without a building permit, if you do, it will need to be torn out. Paula advised will need to justify the fine amount. Don said simply we justify our fine with what codes/statutes he violated, the fine amount that is possible, and the fine amount P&Z comes up with is a reasonable amount including fees to cover the Town's, P&Z's and Attorney fees. Dave and Paula agreed. Paula said P&Z has to show what the fine is based on if P&Z does not fine the maximum. Paula added the primary objective is he has to move it out. Additional information regarding Steve's purchase date and construction date will be reviewed. Paula has received a letter from Town Attorney advising Paula on what information must be in the letter to Mr. Dicenso. ***Paula provided a draft letter for P&Z to review which will be finalized and then sent to secretary to mail certified.***
- **P&Z ATTENDING COUNCIL MEETINGS:**
 - 1) April 5th - none
 - 2) April 19th - Dave Gustafson

7 - ADJOURN MEETING- at 8:39pm

AFTER MEETING REVIEWS-

ENFORCEMENT- continued...

- ***Bull Moose Saloon-Addition Bldg. permit # RE-01-03 re Deck Enclosure on side Certificate of Occupancy-*** 3/24/05- Jim sent letter questioning Lyal's punchlist of items still needed completed and stating he would not be installing sprinklers in existing saloon building stating he didn't have to. 4/1/05 Dave G. sent response letter advising Jim of the UBC, also that Jim could schedule another inspection if he felt all items were complete. Dave G. also advised that all the information we had from the Dept. of Fire Prevention and Electrical Safety showed that indeed he was advised he needed to sprinkle entire building and that his letter would be forwarded to the Fire Marshall's office with his intent not to comply. Jim received his second final inspection, all okay except basement vents need to be done. Jim advised Lyal that he needed to finish the upstairs by two weeks, which meant he is aware his extension permit is up on April 23rd. Jim now will owe \$50 for each additional inspection as states on our Fee Schedule sheet. Discussion was held on all the information. ***Certificate of Occupancy will be given after receipt of second final inspection fee of \$50.00.***
- ***Bull Moose Saloon- Remodel Bldg. Permit #RE-03-04 re: non-permitted lights-*** Jim Blittersdorf sent another letter on 3/20/05 stating he would not remove lights as George Smith indicated the lights were required. 3/28/05 Dave G. sent letter on behave of P&Z stating that P&Z needs to see the Electrical Code that would show Jim's lighting is required. Also George Smith did advise he did not say "required" lighting just that it would be a good idea. He was advised not to illuminate until Town received the actual Electrical Code. If there is a Code than we again requested revised electrical plan for the Town's files as originally requested twice before. 3/30/05 Jim sent letter questioning who was doing the P&Z correspondence, implying that a Town employee, namely the P&Z secretary was writing the letters on her own. *(This was after the secretary spoke with George Smith, attempting to get the information P&Z requested in prior meeting, to find out what George actually said to Jim about the lighting)* The letter also stated Jim misquoted George Smith but claimed that George has the right to approve electrical changes. 4/1/05 Dave sent out another letter advising Jim of our correspondence procedure and again requesting the Electrical Code and to advise that it is disingenuous to now claim a safety issue as justification for installing the lighting without the required permit. Dave also advised again the Town's procedures and that no matter what the Fire Marshall's office says Jim still needs an approved permit/plans from the Town. Jim was advised that based on his letter refusing to remove the unpermitted soffitt lighting the matter is now forwarded to the Town Attorney. During Lyal's second final inspection of the deck enclosure Jim advised Lyal that his insurance company requires the lighting. A letter now requesting proof from the insurance company re: requirements is in draft form to be sent.

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

Copy of "A Profile Wyoming Demographics, Economics and Housing

Items mailed to P&Z before meeting:

- 3/22/05 P&Z minutes
- Shawn Bard request letter and copy of 5/11/05 P&Z minutes
- Building Permit Info Notice - New Draft
- Letter re: Dept. of Fire Prevention and Electrical Safety meeting in Afton on April 18th
- Letter re: Dept. of Fire Prevention and Electrical Safety re: legislation passed
- Copies of correspondence re Bull Moose Saloon on several pending issues with P&Z

Items received before P&Z meeting:

- WY Home & Ranch/Bruce Cameron lot issue

Dave Gustafson, Chairman

Date

Attest:

BofA/ P&Z Secretary

Date