



Town of Alpine

DATE: May 10, 2005

Attending: Board members: Dave Gustafson, Scott Reed, Don Sherman and Paula Stevens. Property Owners: Steve Dicenso, Troy Johnson, Shawn Bard, Renae Bowling, Cassie Reed, Jeff Dupont, Jon Merryman, Charles Horton, Troy Ashby. LT, Kala Havtala. Contractor: Tim Hartnett and Brandy Taylor. BofA/P&Z secretary.

Board of Adjustment MINUTES

- 1 - CALL TO ORDER at 7:04pm
- 2 - ROLL CALL & ESTABLISHED a QUORUM
- 3 - TONIGHT'S APPOINTMENTS:

- ***VARIANCE- V-02-05- Steve Dicenso Residential inside a commercial building/zone*** - (info packet mailed prior to meeting) Steve Dicenso, a mason, built a residential apartment/loft inside a commercial building/zone. He stated he was advised by his realtor he could get a variance to have residential in a commercial. He has built and finished the residential building without a variance, building permit, inspections, and is now living in without a Certificate of Occupancy. The code violations are a separate issue and are being followed up through legal counsel. He is now seeking a variance for the residential building in a commercial zone.

Steve explained his needs for a variance. He will use this building primary as his business with living quarters. He gave a letter from his realtor plus a post it note that was from Tracy, Town Clerk. He said he asked on several occasions to verify with realtor that to make sure he can have a variance. He said he's been calling and hasn't received any correspondence from BofA. He doesn't expect any problem obtaining a variance from previous information from Town office and realtor. He has reviewed the State Statutes requirements and doesn't feel there is a problem. He has done no change to outside. He felt he was accused of different things not specifically told how to deal with this situation. He has tried as hard as possible with P&Z, has sent letters out of frustration. He said he's losing hundreds, thousands of dollars every month because of the up in the airness of situation. He asked Paula if she had received all his letters. Secretary advised all letters were copied to attorney and all P&Z members.

Dave said he has to bring to Steve's attention that to approve a variance, it is by WY State Statutes, everything else has nothing to do with the variance. They have given him (Steve) able amount of time to go over the A, B, & C's of Statute and has only heard from him about C. Dave added again this is mandated by State Statute, this is how they (Board of Adjustment) and all towns approve or disapprove variances.

Steve said on A, he felt reasonable use of land fits running a business in Alpine is reasonable. He said personally he can't afford a separate residence, or anything in Jackson, that maybe the members and everyone else could but he can't and he thought he would be encouraged to have a business in Alpine. Dave asked so he's (Steve) saying it's not depriving him? Don asked it's zoned C-1, so is that depriving him of Commercial use? Steve answered no, does not, but he does all business after hours. Steve expressed frustration into what BofA wanted him to answer or say to the Statutes. Dave advised again he's had this all to review for quite some time. Steve continued that item B, he personally wasn't aware of grandfathering clause. He added that generally P&Z told him he can't live on C-1, but all the people around him have residences. He referenced the deterrent to neighborhood and said he can talk to all neighbors and have a nice place of it. He knows what the original intent to building was and it was intended to be more with a residence in it. Paula asked if he did anything contrary to the ordinance before it was changed? Steve said he didn't understand her. Dave said that Steve was given plenty of time to review the State Statutes and he agrees with him on C, but what about A. Steve said now board accusing him he didn't research, but if he failed to research last sentence. Troy Johnson interrupted and spoke on behalf of Steve Dicenso, and said that they explained and read the WY State Statute to him and asked if Steve would need a lawyer to read this (State Statutes). Steve added he thought he outlined with regards to the land he's covering. If they (BofA) could ask him a question that he doesn't need to be a lawyer to answer. Troy asked what ordinance are the Board talking about, as you can build on C-1. Don said yes but need a variance. Ordinance 89 was read out loud. Paula asked why wait until now before get a variance. Steve answered originally he applied for variance in December 2004 and realtor told him when you are ready to live there then get variance.

Steve said to the best of his understanding without a lawyer he's made his presentation. He doesn't have time to sit at a lawyer's office. He's not perfect, he's tried to work with the Town. Scott asked if Steve contacted the Town for variance info. Scott asked what was the difference in time that he couldn't get his financing. Steve said he figured he'd get a variance and the financing was

the smaller issue. He figured by December 31, 2004 would have a proper variance and could get financing. He said he assumed the variance process would take a month. Dave said he didn't see that what Steve says are special conditions have been met. He doesn't feel the zoning has been depriving him to do business there. In Item A, it doesn't apply to other buildings in neighborhood. He doesn't see ordinance is depriving Steve of running his business. Dave added that special circumstances have resulted from Steve putting in residence after the ordinance. Steve asked if they (BofA) could define special circumstances. Paula explained it needs to be something extraordinary such as steep slopes on a property that cannot be built on, such as a unique issue with the land. Steve said his is a unique issue as he can't afford a separate home from commercial, personally from the little paper, State Statutes says. Troy said from past experience with the front office, Steve was told he can get a variance. Dave then read the post it note from Tracy, clerk, that Steve gave earlier. Troy said the special circumstances would be financial duress, and that Steve does beautiful work and he had put his heart and soul into it. Troy continued saying that Steve was not asking for anything above and beyond what's already located in the area. He feels Steve has fulfilled those State Statutes A, B, and C. Troy said that there is Kilroy's with a residence; it's not on business corridor which is why the new ordinance was made to lessen R-1 in B-1 corridor. Troy added that Steve is not applying for the house. If Board looked at it from a positive, Steve has answered the 3 points.

Dave said again he would like to emphasize the other issues have to stay out. Steve's financial distress is because of what he did after the ordinance was passed. Dave then asked for public comment. Jeff Dupont asked what can you do for special use. Paula answered that Special Use Permit is not applicable. Jeff said the area looks better, but how can find a middle ground to allow this. Though Steve didn't go by State Statutes, everyone in the community sees the benefit. He would rather see Steve keep it. Jeff added that he hadn't heard any suggestions. Steve said he hadn't heard any either.

Dave said they have two separate issues; they have given Steve the information. Steve's doing things before the variance and the variance itself are two different issues. Scott added that they try every possible way to help people. Dave said by the Board of Adjustment they have to find by that (State Statutes) and consider public input, they cannot deter from that. Troy said that he can't understand the paragraph and if you can it to two lawyers, it can be broken into different spots and can get different information from that. Troy then added he does appreciate their time and effort. Dave read letter sent to neighbors. Rob Green is in favor of variance, he is directly behind and other two are directly behind. Troy answered that Jeff (neighbor) comes in his shop and he knows he would be for the variance. Paula said lets propose a positive motion to approve Variance #V-02-05, residential in commercial zone for matter of discussion.

Dave said he can understand the special circumstances, but it was the act of the applicant that created the special circumstances. And the other problem he has is that the zoning is not depriving Steve of use of the property. Scott said being in mixed area for saying keeping C-1 inside property has argument regarding placement of property in opposed to other property. Scott added he can have the argument that he lived in area people live in and operate it. Scott said he was trying to be open minded. Scott said he can agree with Paula this be a positive reason for Steve to keep residence in commercial. Paula said they have to look at it/the findings as if it just happened and had not been built already. Don said he doesn't see Steve met C, in harmony with general purposes. Troy said but what is around him. Don said he didn't care about surrounding properties, just dealing with this property in question. Scott said it is required to meet Town's Codes and what steps would they have to make to make sure all that is taken care of. Don said there are issues if there is a variance. Don asked Steve who wired (electrical) the apartment. Steve answered he did. Don said they need to make sure Steve meets all the codes, how much of wiring, plumbing, etc have to be exposed to verify it meets the codes/inspections.

Paula said she has serious reservations approving this variance as they have an obligation to the broader community first to make sure there are no problems, given the circumstances in the way it came to them and has difficulty making these findings per the State Statutes. Steve has reasonable use establishing commercial use. There are no special circumstances, what makes it unique is the actions the owner made. She said approval of a variance would have to have a penalty as the Town does not take it lightly, they don't just hand out variances. They're needs to be a penalty so standards of community are withheld. Dave advised that the penalties will be handled by attorney. Paula said anyone can say financial issues are special circumstances but that doesn't apply to property, as it is nothing to do with financial.

Don asked Steve did he need variance for financing. Steve said no. He added he will survive moneywise and doesn't care about it. Don said but in his letter Steve's concern was financial. Steve said he didn't think to apply for a variance. Don asked Steve so how is it costing him hundreds, thousands of dollars. Steve didn't answer. Don asked what do you need the variance for. Steve said he needs variance for financing, housing, and being a member of the community. Don asked if there was just one apartment in the building. Steve said only one, as it's only for him, built for him.

Tim Hartnett, local builder, said as a person that follows steps properly, he has a problem with someone that doesn't do things properly. He added especially in a C-1, there are more areas of inspections. There should definitely be inspections done, as there are questions as does it have 100# snowload, sheetrock should be pulled off to do inspections to verify it is all done to code, UBC codes and Town codes.

Paula Stevens motioned to approve Variance permit #V-02-05, Don Sherman seconded. Asked all in favor, no one, asked all

opposed then called a vote: Scott Reed - in favor, Dave Gustafson - not in favor, Don Sherman- not in favor, Paula Stevens - not in favor. Dave said motion is denied.

- **VARIANCE- V-01-05- RVM Office Complex screening/fencing** - Problems with the Silverstar and Lower Valley Energy's easements, lines too close to where fencing would have to be installed. The property owners association is requesting a variance to not install this fencing. There is no room for it and is a possible hazard to drivers coming around the corners of these lots if 6 foot fencing was installed. ***Tabled, Continued until next meeting. Requested additional information, siteplan description and locates done by Lower Valley Energy and Silverstar.***

4 - **ADJOURN MEETING-** *Paula Stevens motioned to adjourn Board of Adjustment meeting, Don Sherman seconded. All in favor.*

Planning & Zoning Commission MINUTES

1 - **CALL TO ORDER at 8:40pm**

2 - **ROLL CALL & ESTABLISHED a QUORUM**

3 - **P&Z MINUTES** April 12th (*was tabled due to Scott not being at meeting therefore could not vote*) and April 26th, 2005 (*mailed prior to meeting*) ***Tabled until end of meeting. Tabled again.***

4 - **COUNCIL MINUTES:** *no minutes*

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

- **Fence permit #F-02-05 Jon Merryman** - Jon is requesting a fence permit. Joe approved/ located property pins. He has written approval from neighbors to build on property line (*letters in packet*) and has RVM HOA approval. Dave asked if there were any fire hydrants or protection systems devices near the fence. Jon responded there is a fire hydrant across the street in public area. ***Don Sherman motioned to approve #F-02-05 fence permit, Paula Stevens seconded. All in favor.***
- **Fence permit # - Shawn Bard** - Shawn is requesting a fence permit to enclose his outdoor storage; storage he put on his property with disregard to 2 Town Codes and advisement 3 times from P&Z secretary and 1 time from Town Clerk. Shawn was advised after he sent letter to P&Z last meeting. P&Z concluded Shawn had to have screening/fencing installed prior to any outdoor storage of lumber. Shawn was advised of this decision several times. He was given a copy of such codes and a fence permit application in the morning of the same day he went ahead and placed the barn wood on his property. A police officer was sent over by P&Z to advise Shawn that he was in violation of two Town codes. P&Z sent letter regarding Shawn's disregard and violation of codes. Violation of codes will be turned over to Town Attorney.

He explained he spoke with Dave but hadn't had a chance to discuss the issue with the rest of P&Z. Shawn went into detail explaining that he sent letter to P&Z requesting to hold wood on his lot for personal reasons as a temporary arrangement. He received phone call from P&Z secretary advising P&Z's decision that he needed a fence. He stated because of past experience, he chose not to discuss any differences he had regarding this issue further with the secretary as he felt she was only a messenger. He said he had been out of town all winter, received the phone call re needed fence, when he arrived back into town the first truck that he loaded with the wood was right behind him, so he went in and got a fence permit application. Then later on in afternoon in rain the truck showed up. Then this is where he says he didn't make too good of a decision but he had nowhere else to store this wood. He's planning on doing other projects up at his house with the wood and has other property in the county. It's just with the mud and current situation with the weather; this was the only option he had, which is what he explained to the police officer when he came over. He was under the impression that he would not have to after reading this himself, but he came and got a fence permit (application) and was planning on filling it out and then he called Dave and spoke to him about this issue. In the past, he's built a house in town, he came in got a building permit, went through the building process. He's bought property and got a variance and gone through the entire process properly. He got a sign permit last year. He does not want this to seem like a precedent that he has, never in his mind did he say that he was going to do what he wanted, that this was his property and if the town doesn't like it then they can't do anything about it. That was never a thought. He knows that part of owning property in a town is dealing with the regulations of the planning and zoning commission as well as the Town itself. It was never an intention of his. The truck came in, and after the officer came over and in attempts to explain to P&Z secretary it was his only option, was told he was full of s--- and that not another piece of paperwork would be accepted in that office by him. So then he started dealing with Dave directly, so that's where we are now. Do not know if this is too late to look at this. He originally looked at his B-1 regulations, which it states for commercial use you have to have screening. That use is not commercial use, and doesn't know if storing something is, but it's his property, it's his personal building material he plans on using.

Don asked him if he was in RVM subdivision. Shawn answered yes. Don said he had seen everything he has and asked wasn't it him (Shawn) that came to P&Z to do a model, landscaping model with a sign. Don explained he was trying to get everything in perspective. Shawn said this was separate. He also owns the two lots adjacent to this one. As he told Dave he was just expecting to keep it there until things dried out and then he could move it. He did not know if P&Z would come back and ask him what is temporary. It seems like a unique situation to him for an owner of a commercial property to store something of his own there. After talking to Dave, Dave explained to him the code on outdoor storage. Shawn read the code re: outdoor storage. He says outdoor storage is allowed in town and read off all items in code. He said this is after the fact but his interpretation of this what he has stored there (on property) may not be specifically laid out here (in code) but he doesn't see it being anymore intrusive than anyone of these items. The

fence behind him, and before he read further in the B-1 zone, about keeping a 15 foot backyard, definitely stated can't have anything on front yard, so he made sure to put everything on back of yard. At that point he talked to Dave. Dave said he would need a fence, so he started pricing fencing and at this point I can't do a fence. He doesn't know what else to say, except when things dry up he can move it, for him he has property in town that he could take it to but he has no access to it, he's working on the access to the two lots he owns with the Town on Terrace Lane. *Shawn went into the issue on Terrace Lane which is not an issue for P&Z Commission and is presently being dealt with by Council.* He continued to advise that the storage of the wood was temporary. He stated he was not going to keep it there or start milling up the wood there.

Don asked so does this mean that Shawn is not applying for anything. Before Shawn answered, Dave interrupted and stated that it was his understanding that Shawn was going to come here with a fence permit and has decided not to. Dave said he felt they should do is to direct Shawn in the right direction, what to do in this situation and he referred to the code. Dave stated the screening code for commercial does not happen much in Town so he would have a tough time making Shawn adhere to that. On Town Code on pg. 140, under definitions, outdoor storage. Dave read the code out loud that A states storage has to be enclosed and the time frame is 24 hours so the code establishes the time. And B deals with junk automobiles, and #2. what Shawn has discussed. Outdoor storage shall not be stored in front of lot without screening. So the front part does not pertain as Shawn has the storage on back. Shawn says he guesses this is a code, it's right here on pg. 140, L #1. so but at which point does this committee decides the normalcy of a community or business, or this body, doesn't override this code, but interprets it in a different way. He says for instance, he's saying that he's not going to get into naming individual businesses, but there are 20 businesses currently with outdoor storage that is in B-1, C-1 and has no screening. He added the Fire House has junk automobiles behind it and no screening. From his interpretation this is not something he would want to do with his commercial property. He feels screening is appropriate, and how does P&Z decide what is code and what is everyday business in this town. Dave answered that is why they have the variance process. He added that Shawn was right that there are incidents that happened in the past but this board is really trying hard to follow the code but also have a variance process that they follow so that they are not making those interpretations on an as need basis. If they start doing that, then what's the point, what's the point of having them and what's the point of P&Z being there. The variance process allows you that option to say looking at these conditions, this maybe a direction for him to go. Shawn said if he was starting a business on this lot he would build a fence, and would not get a variance. Don asked how long does Shawn think the wood will be there. Shawn answered the maximum, 60 days. Paula said given the situation with your other two properties and the fact it's all still up in the air, she asked where Shawn was going to move it to. Shawn answered that they could ask Jim Sandner right behind him, or next to him. Jim answered that the commission was asking Shawn not him the question. Shawn said Jim agreed to let him store it on his property in the county. In 60 days it should be dry. He said he has alternatives. He has property south of town that has access that he could take the wood to. Paula asked if Shawn was using the wood for commercial purposes or not. Shawn answered no, some will be used in house, some wood was planned for building a garage on adjacent property to his house this summer when access happens. Can also build a small cabin in the county which is an option for him he stated.

continued...

Brandy Taylor asked what was going on if there was a violation. Shawn said yes, basically he wrote a letter while he was gone and the Town board said they felt like he should get a fence even for temporary storage. Dave interrupted and added based on this ordinance. Paula asked for someone to describe to her that what Shawn is doing is outdoor storage under these conditions. Because when people are building a home or a fence they have wood on their property. Paula added the distinction is that Shawn was not doing anything commercial with the wood, he is just storing it. Don said who is to say which property to store it on. It's not debris, so does not see how it fits the criteria. Dave said this ordinance does not distinguish between commercial or residential. Shawn said not in this one but in B-1 does clearly say for commercial use. Dave said again that there was not an issue with that one as already discussed. Shawn said Dave said that. Shawn said there was no complaints. Dave asked how quick he could get it (the wood) out of there. Shawn said he didn't want to say sooner than... Members discussed the issue then Scott added that he felt Shawn was coming here (to meeting) so he is not in any type of deception, telling the Town what he is doing. Don said he did hear Shawn re the junk vehicles behind the Fire House as he just noticed them himself and that Shawn had put his wood on his own property. He said it doesn't mean he's going to get his junk cars and put them on his lot, but the everyday activity of the Town has to dictate some of the way things operate. He said you can't just bring everything up at one time, saying this is how we're going to get things done because then you have to send out enforcement. Don said he drove by and saw that Shawn was storing lumber, and according to the ordinance it has to be off there in 24 hours, as he is storing lumber. But if you are building a house, if you keep moving it on and off you can't get your house built. Don said we do make allowances. Dave said we don't need a motion. Don said no because he hasn't brought anything before us.

Paula said her opinion Shawn has wood for his own personal use; there are factors when and where he can build it and a time period for that. This one does not concern her. Paula told Shawn if he was using it for commercial use or it was part of a business then yes, it would be a reasonable thing to require, but not for personal use. Dave agreed but added, if Shawn were to erect that barn in the Town of Alpine there is another code regarding that and he wanted to make Shawn aware of it. Shawn asked about the barn code. Dave advised that it was a poorly worded ordinance. Shawn said he wasn't planning on, parts and pieces, so he if used part of that wood in the Town of Alpine it would be for structural purposes, it wouldn't be a little barn. Don added we don't want to take away your right to use your property.

- ***Residential permit # RI-01-05 - Hartnett/Taylor*** - Tim and Brandy are requesting a residential single family house permit in Riverview Meadows Subdivision. They have received approval from RVM Homeowners Assoc. with some questions on one of the set of plans. Joe and Lyal both approved their inspections for P&Z. Commission reviewed the plans with builders.

Paula advised there was concern with visibility with backing out of the driveway and in the winter with piles of snow and could we allow guest parking. Tim advised that it was Mary that drew the circular driveway, not them. They thought about putting a little extra gravel to give a bit of a spot, otherwise there is no grass there. Tim added that they did really look into this and the speed limit on highway is 45mph and people know to do that as it is a heavily maintained area. He said a person could not make that turn into RVM without slowing down to at least 15mph. It is 40 ft. from the garage to gravel, which he feels give a person enough time to back out and see if there is traffic coming. Don advised because of the location she (Mary) was concerned.

Tim advised that the RVM sign was partially on their property. That would be the only sight-obscuring obstacle for there. They pulled the house back off the south setback line to give more space between the highway line and house. The driveway could be pushed south and along the south side of the house. They advised where snow storage could be and that a curved driveway would not work then. Tim explained about the wall panels they use, the roof structure to the commission. Tim said he'll have an electrician come in. Doug Freeman does his concrete. Tim advised Lyal did question the concrete/rebar issue. Don asked for a diagram with that information for Lyal to review and could be put in as a condition. Tim described the reasons for design of the house to take in the mountain views, screening from highway, etc. ***Don Sherman motioned to approve residential building permit #R1-01-05, Paula Stevens seconded, All in favor with condition that applicant provide foundation specs for steel.***

- ***Discussion only- Northstar Construction proposal-*** Jim Sandner of Northstar Construction would like to discuss a few items, variance issues and needs input from P&Z commission before goes forward. Has concerns about the sign as what he wanted to do would not fit the regulations. First he discussed the setbacks: He said you have to be 10 ft. back. On the road frontage side he has a 20 foot setback from the state right-of-way. In reading regulations it would mean his sign could not be out on state right-of-way or property line. His question was that all the other signs are on the state right-of-way or property line, to set one off would look more strange then being on the line. Don said they cannot give permission to use state property. Jim said it was not state property it would on his property but on his property line, it would not be in that 10 foot setback area as delineated in the regulations. Don said they would have to research that those signs were grandfathered before the ordinance. Jim said he's not trying to change what's there, if they are looking at esthetics it appears to be in line with everything, it will look better then out of line. He's asking P&Z's opinion on where to go with this before he goes through the variance process. Don said he'd have to look at it to understand, and told Jim he thought his building was fabulous, a very nice looking building. Jim thanked him. Jim advised the building had to have a 20 foot setback. Paula asked for clarification of Jim's first question to P&Z. Jim answered is would you considerate the idea of being out on the property line in line with the others or would it be in that 10 foot setback. Don advised he could apply for a variance to do that, they could not say yes or no, but would find by following the state statute guidelines. Paula added that some signs are grandfathered in, in cases where that is not the situation, they are not under obligation in making the same mistake made before. That why P&Z requires you to apply for a variance, unless he places it where the ordinance allows him to. Dave gave Jim a copy of the WY State Statutes that Jim would have to meet. Jim had already read them and felt they didn't disqualify him at that point. Dave advised if he felt that then he would have to come for a variance. Jim just wanted to get feedback.

The second issue is the sign area issue. He needs some definition on how P&Z reads their regulations on that. It says 80 sq.ft., but what about his lineal footage on the highway frontage if uses that calculation he would be over 80 ft. Scott also brought up the issue of a two sided sign. Is 80 sq. ft. is that his limitation if you use the calculation formula. On the three sides he has 160 feet. Scott said then he would be allowed 280 sq.ft. Jim advised that there was a limit of 200 in code, but he wouldn't be asking for that. Paula clarified that it was a free standing sign Jim was discussing. Jim said yes. Jim said because of the calculation his understanding he can have more than 80. Paula advised there was the potential for him to have more than 80. Dave read the code, Section G, on pg. 150, when a building has multiple frontage the maximum sign area for any one building has multiple. Paula says it does not apply because his building would have to front two streets and it only fronts the highway. Paula spoke about lighting, obstruction, etc. re: signage. Jim clarified that he would not need a variance if he goes by the calculations by the town code.

The third issue is height requirement. He is not sure which requirement, there is a few such as on pg. 150, Section 3, pg. 151, Section C, pg. 149, #1. Dave asked about what the building would be characterized as. Jim didn't feel like it would be a shopping center. Jim asked in a B-1 what would be his height. Jim said Gunnar's was originally platted with a zero lot line. He does not want a zero lot line for the other building as he is putting in landscaping. Paula clarified that the code on pg. 150 and 151 does not apply to Jim's building. So 15 foot is what he has to follow. Jim asked then if you have 80 sq. ft. on a sign that couldn't be higher then 15 feet and want it to be out of the snow in the winter, is that possible. Paula advised if he wants to exceed that height limit he would have to apply for a variance. Jim said as they considerate the height limit. His initial thought when putting this building together was to have a clock tower, for a sign and a clock. To do a clock tower he needs 28 feet minimum. That's as high as the chimney on his building. It would need to set properly on the property so that would come back to a setback issue. It would be a separate clock tower from building which would also encompass his sign. Scott said the Town never thought of that. Dave said his sign would possibly fall under accessory structure that the sign is on a building, the clock tower. Paula said that an accessory building does not have setbacks or height limitations in the B-1 or C-1 zones. Jim clarified what Paula said that there was no restriction on height. Paula said yes. Don added but he couldn't build higher then 45ft. Jim again clarified with Paula that there is no height or setback restrictions. Don asked if Jim could give them time to research this. Jim said he wanted them to because he didn't want to start the project to find out he can't get it done. Paula advised the sign would still have to be within Jim's setbacks, but the other, the accessory building would not, so Jim

would still have to apply for a variance to attach a sign to his accessory building if he puts the accessory building in the setback.

Jim asked how long a variance is good for. Paula answered one year. A person has to act on it within the year, take the necessary steps to follow up on it with additional building permits, the variance permit will expire. Jim said an issue he has is that he has to wait about a year to do the clock tower, but in the meantime needs his sign up, so he could go ahead and put the sign up where it's suppose to be, or have temporary signage, until he could apply for the variance regarding the clock tower's setbacks.

Jim asked that in the process regarding the state property, there seems to be an inherited road frontage that has existed. Jim does not like it and wanted to know the Town's feelings on it. Jim requested to put a barrier on it, the state advised him he could not. Don said the Town cannot answer a question regarding State property. Jim said but the Town, has some type of beautification project going on the state property. Is that another variance, another permit or can he just plant a tree on the state property. Don said that would be a question for Council. Paula added the beautification project is underway in coordination with WYDOT. So WYDOT has signed off on everything the Town is doing in terms of landscaping. They allow landscaping in the right-of-way, but communities have to be willing to maintain it. Jim clarified that the question is for Council and WYDOT. Scott said Jim should also emphasize any problems Jim has been having in that area, such as people parking in that frontage area by Gunnar's. Jim added they are using the highway frontage to enter and exit from his egress and ingress. Don felt it was only good for the snowmachine trail in winter. Jim added to that that many people get stuck out on that thinking it's actually the road. Officer Vanvalkenburg advised to be careful what is placed in WYDOT right-of-way as he sees enforcement from WYDOT on a constant basis. Paula and Don both said personally they are against that frontage road. Don also advised on the other side of the street snow is being piled on that right-of-way.

- **Fence permit #F-03-05 Scott & Cassie Reed** - Reeds are requesting a fence permit. Emergency situation with regard for safety of Reed's children. Issue with property pins. Cassie explained issue regarding pins. Last November a new house was built by Steve Landis did road base all over and on to Reed's property. One pin is under road. Cassie showed a letter signed by herself and builder Steve Landis that he was to come back and repair road area next to Reed's property. Cassie explained there had been 6 incidents with her children, a four year old and 17 month old. The new owner across the street, Julia Shirk, would come down to visit while house was being built and would let her large puppy golden retriever exit the car and come onto Reed's property knocking down Reed's children. Ms. Shirk would not have dog under voice command and would not call on dog to return to her. That started in the winter. Now Ms. Shirk has moved in and more problems. Another neighbor did witness the acts Cassie described. Another incident involving a friend's child, where the dog trampled on child's face and body and Ms. Shirk did nothing to control her dog. All incidents against Reed's children and friend's children have occurred on Reed's property and Ms. Shirk never controls her dog. Cassie has pictures of injuries sustained by her children. The issue is one pin is under the roadbase placed by builder Steve Landis. Scott used a metal detector for hours and could not locate it. Scott measured off the other pins. Dave G. visited site to verify Scott's measurements. Scott advised issue with the width of road and other problems on the hill in his area. Reed's explained where property lines are on a siteplan. Surveyor Scherbel advised them that they won't know what is in the ground or where pins are until they replat the existing road. The Town cannot give a width either. Don asked how the fence will effect snow removal in winter. Scott advised it is done with a snowcat snowblower. A road grader cannot get in that tight. They will move the fence in more into their property. Don said the Town needs to do something to make it correct. Don asked if they would be willing to alter their fence if the Town found something different. Scott said yes, they would like to put a contingency in their permit.

Ofcr. Steve Vanvalkenburg advised he has resigned his position with the Alpine Police Dept., his last day is May 19th, and therefore he would transfer the statements he's taken and his information to the Town Attorney for further processing of this issue. Dave advised the rest of the board about what he saw and felt needed to be done to allow this fence permit to work. ***Don Sherman motioned to approve fence permit #F-03-05 with the stipulation that the Reed's have the knowledge that if for some reason during the replatting that they find that the Reed's fence is on their property that they will willingly move it, Paula Stevens seconded, All in favor.***

- P&Z member, Paula Stevens, advised she will be out of the country for the next few weeks therefore will not be attending next P&Z meeting.

6 - UNFINISHED/ONGOING BUSINESS:

- **Steve Dicenso - residential built inside a commercial building without a building permit issue** - Steve has been advised by letter from attorney that violation of codes enforcement will be handled by the court system and attorney and is no longer an issue through P&Z Commission. - Reference building permits: C-04-01 & C-03-03 regarding Lot# 6 Kilroy Subdivision Storage Units originally owned by Marc Elkins.

• P&Z ATTENDING COUNCIL MEETINGS:

- 1) May 17th - Dave Gustafson
- 2) June 7th - ?

7 - ADJOURN MEETING- ***Paula Stevens motioned to adjourn meeting, Dave Gustafson seconded, All in favor.***

AFTER MEETING REVIEWS-

ENFORCEMENT-

- **Bull Moose Saloon- Remodel Bldg. Permit #RE-03-04 re: non-permitted lights-** A letter now requesting proof from the insurance company re: requirements has been mailed.

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

Items mailed to P&Z before meeting:

- All paperwork/file on Steve Dicenso issue

Dave Gustafson, Chairman

Date

Attest:

*BofA/P&Z secretary *for BofA meeting only
(Absent during P&Z portion of meeting)*

Date