



**Town of Alpine**  
**Board of Adjustment / Planning & Zoning Commission**  
**MINUTES**

DATE: July 27, 2004

*Attending:* Board members: Dave Gustafson, Scott Reed, Don Sherman, Steve Fusco and Paula Stevens. Business owners: Dolores Urban and CR Jordan, Cindy Barber, Donn Wooden; Home/Property Owners: David Silva, Clark (Skip) Singer, Alana Rohde, Jeff and Marilyn Raver; General Contractors: Brad Andrews, Bill Mackey.

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**Board of Adjustment**  
**MINUTES**

- 1 - CALLED TO ORDER
- 2 - ROLL CALL & ESTABLISHED A QUORUM
- 3 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **REZONE procedure**- Discussed rezone procedure and Paula Stevens explained that the Board of Adjustment does not have the power to decide on a rezone. The only thing they can do tonight is recommend favorably or unfavorably Dolores's request to rezone her property. The decision will not come from this Board this evening, it will come from the Town Council.
- **Variance or Rezone permit #V-04-04/REZ-01-01**- *This item was tabled from the July 13<sup>th</sup> meeting, until further information could be received regarding rezone procedure and Joe Sender's inspection.* Dolores Urban is requesting a rezone or variance to be able to have a second business on her property. Primary preference is to have a Rezoning of her property to a B1. If not possible then she would like to request a variance to run a business in R1/R2 area. *Joe approved; verified building size, all property corners were located, he did request Board of Adjustment verify the parking spaces.* Discussed: 1.- Dolores Urban discussed the letter she sent to members, she understood that they had difficulty figuring out who had the ability to decide, but no matter how long it took to rezone, she still would like to pursue the rezoning, but in the meantime she would request the conditional use so she could get a business in there right away.  
2.- Secretary's letter re: property owner Jeff Raver. (*mailed prior to meeting*)

Board asked for comments from the public regarding this permit request. Dolores Urban spoke first to again explain what her request and needs were. Jeff Raver spoke and thanked the Board for their commitment and their service to our community. He owns the south half of lot 613C South, Dolores Urban's property is 613C North. Both lots have always been zoned multi-family. Personally he's happy with the zoning, one of the main reasons he bought his lot was that there was a residential lot between him and business. He has spoke to all his neighbors and as many of their neighbors he could talk to as he feels he's in a dilemma. If it rezones into a business it will devalue his property. He spoke with Cindy Barber, Shannon, Kevin Stringham, Lynn and Vicki Stringham, Tammy Lowery and Kennis who owns the Carwash. He wanted to talk to them all one on one to get their honest opinion on Dolores's rezone before he would make his final opinion on either for or against it. Did not get to talk to Mr. Bateman or Skip and Lani, or Dolores, as he knew they are for it. He continued that the general consensus ofr the neighborhood if she rezones will not effect the neighborhood, however it will effect Jeff. He said his lot will be devalued. He explained to the neighbors that if Dolores rezones her lot he'll have to insist that his lot also be rezoned. All his neighbors he talked to did not have a problem with that. Before he made a final decision he said he wanted to ask his neighbors, Skip and Lani, if they would have a problem if he rezoned to business. He asked Skip and Lani and then Dolores. Dolores said no she had no problem if he rezoned. Then he asked if the Board if they have any opinion, objections of why he could not rezone as well. Don asked what he's rezoning to. Jeff said to B1, as Dolores is. Dave objected, and said they are currently trying to develop a new district map of the town. He continued that they are in a difficult situation, as they are trying to rezone areas. Dave hoped everyone understood that we (*Town*) are in this transition. In order to make these changes, the Town needs to understand that they (*Board*) needs to make decisions. The Town needs to rezone in blocks not individually. They need feedback from the public right now in discussing these rezones and business districts.

Paula advised that what Dave said did not really answer Jeff's question. She explained that though they do not have a problem with all of the people requesting rezoning, it's not something at this time that we (*Board*) have enough information to decide if

this is a good decision or bad decision. At this time she could not completely answer the question as she felt the more important question is not do we (*Board*) have a problem with it, it is if this is an appropriate thing to do. Dave added because we (*the Town*) are in a transition, that they are in the evaluation process. So if Dolores wants to continue her request for rezone, that all persons who want to rezone in that area should get together and request the area to be rezoned. Dave said they are in a situation of major changes, they're volunteers, they have to come up with a Master Plan, a district and zoning map, and they are under the gun. He added he hoped all appreciate the time they're putting into making this happen, but it's slow, too slow.

Skip Songer asked how do the citizens get to give their input to say what's going on in the Town other than these meetings? Dave explained the process with that the public elects their officials to make the decisions for the public, P&Z makes recommendations that then go to Council, Council decides on them after several public comment periods/meetings, Skip asked if this is a vote. Dave answered that your Town elected officials take in what the public comments are to make their decisions. Skip said so we need to get more people to come to these meetings. Dave said we're slow because of the way we're set up and the lack of funding. We can always use more volunteers. If someone wanted to take on developing the Master Plan, we've had input in the past, but it's difficult. Skip said we have to get more citizens' input. Dave agreed.

Steve said he felt it would be a great time, as we have some input from people that want to rezone their properties. That we can incorporate this into our plan that we're trying to do. Jeff hadn't come before us before to voice his opinion on basically wanting to rezone. We are short, in Steve's opinion, of business spaces. To have an opportunity to have another property, have business there such as, if Jeff ever wanted to put a business there, he would have that opportunity. It can work hand in hand in what we're doing. It can lead us to our zoning. Our zoning districts are not set. This hasn't come before us before, but this is something we can look at when we draw our zoning map. It (*Jeff's property*) probably has to go through the same rezoning that Dolores had to go through. Maybe we can get a consensus of what the neighbors want for that area, such as rezoning to business for the entire area, and do it all at one time instead of one here and one a month later, etc.

Jordan asked if they go out of business there they can still live there, right, like Cindy does. Steve said yes. Jordan said what he sees as this Town grows, more people will want to come in with home-based businesses. If you start reading statistics, more and more people every year will come in that want home-based businesses. If Alpine is not ready for that it will start to go into the outlying areas. He added, you're going to grow whether Alpine's ready for it or not. Scott advised the Town definitely wants business and small business. Don advised with the public coming to them (*P&Z*) and telling them what they want it makes their job easier.

Dave advised a conditional use permit would be appropriate, with the input from the neighborhood and since we're in the middle of trying to set up the district zones for the Town of Alpine and the mile radius. This would be the time that everyone gets together and decide how they want to proceed. We realize we need more business sections. Steve asked Jeff Raver if he had any objections if the Board granted a conditional use permit for this business. Jeff said if there is no objection to him rezoning, then he will have no objection to her (*Dolores's*) rezoning. Steve advised from what they heard from Paula they cannot decide on a rezone. They can recommend to Council to rezone Dolores's property and Jeff's if he wishes. Dave said they are two separate issues, a conditional use and rezone. They can't say if the Council approves Dolores's conditional use that Jeff's property would also be deemed business. Dave added that right now the conditional use permit is a fix to the situation as they need the opportunity to formulate the new district map first.

Jordan said it's safe to say if they do give a conditional use permit, if they recommend for everyone around there that wants to rezone to business, that they (*the public*) have a better chance of it happening. So if Jeff decides to do this, he has a real good chance because the neighbor in front of him has been rezoned. Then if they decide to rezone, it's one thing that when you're isolated to get rezoned but when you're borders are rezoned it makes it easier for you. Jordan said he thinks it will raise the property value, when you can live there and have a business too, it makes the property more valuable.

Alana Rohde stated they too would like to be rezoned to business zone, she thinks the whole neighborhood should be. She said, as it would be a great road behind the main highway to have a row of businesses. It would make perfect sense for everyone to be zoned that way as they already have a multiplex and apartment house and then the car wash. Don said when they started drawing the maps, that whole area was considered B1. It was just preliminary, but they stayed until 10pm that night. That whole area they kind of included as B1. Now they know that they really didn't make a mistake on that idea. Alana agreed that their property values will definitely go up as B1.

Donn Wooden said first he wanted to complement the Board on their actions and what they are doing. He is acutely aware of the time they have to spend as he's been there himself in putting the ordinances together for this town, many, many hours, all volunteer, there was no pay in the beginning. He respects the issue that they have to deal with their recommendations and he thinks they are really going in the right direction. He felt the conditional use permit was the appropriate way to approach these things that need to be dealt with right now. Donn explained that he thinks that we have a good example, as what is happening in Jackson. All of the outlying homes that are close to, like around Antler Inn, and places like that, have turned into office complexes, the values did go up. He doesn't think that anyone in the Town of Alpine can say their values have gone down, regardless of what's been built here in over the past five years. He added, our assessed valuation is much greater. Our B1 zone, as

per the ordinances that we put together, allows everything preceding it too. And as we all are aware, of the process did not get followed when they stopped allowing residential use in the B1. When this little town was set up, they labeled these lots. Anything in the 600 series was the commercial lots. That whole block over there, everything this side of Trail Drive was considered to be commercial quality. Across the street you had the 300 series, which is a B, which if you look on the old maps that was multi-family. Then the A was single family. There was a plan in gear at one time that wasn't a factual master plan. The town did pass a master plan, hence that's why you have an ordinance, that's why we have a Planning & Zoning Board, because without it you'd still be under the rule of the county for building permits. He said he's seeing a trend here of common sense and doing what's right and treating your neighbor like you want to be treated. Conditionally you have a control, right within your uses that are permitted in here to limit loud, excessive noises. A welding shop would not be appropriate there. Odorous problems would not be appropriate there. Things that create dust, or things like that. It's already in the initial ordinances and the initial plan. He really believes this is the right way to go about it and take your time, because when you're dealing with land use, to change that radically, is pretty drastic against how someone is effected by it. We have an acute need for multi-family again. We can't fill all these needs right here. People want to come in and build a duplex, that duplex can change into a dentist office, a pharmacist, dog grooming, etc. He stated, he guessed we have to be a little more energetic and a little more open minded of where we're going from here. We need people first to sustain business. We can't just expect little shops to open along the main street, they'll be closing. We have to have that ability to invite them in. They have to live and do their business at the same time. When Jeff bought his property, he told him that yes it was a multi-family lot as we already had duplexes there. But then zoning came in and said you have to have at least 14,000 sq.ft. for the first dwelling and an additional 3,000. He is in an R2 zone. But there are restrictions, there are things that inhibit that and that's septic. We have a sewer system now.

He said he thinks it would also be appropriate that this Board highly recommend that the sewer get extended wherever practical within this community and get away from this reserve field thing because it causes you guys alot of problems too. If we can try to accommodate the needs and use the common sense and he really appreciates what the Board is doing and thinks the proper steps to look at this rezoning is to take our time and do it with a series of public meeting and some input that will count. Especially if we're looking at the future for all Alpine, if we annex north side. Donn thanked the Board and all the hard work they do.

Steve asked if Jeff was aware all that is allowed in a B1 zone. Jeff said yes. Jeff said as long as the Board recommends that his property be rezoned to B1 as well, he has no objection to giving Dolores a conditional use. Steve advised Jeff too would have to go through the process of advertised public hearings and fill out applications. Steve said they'd deal with Dolores's, and Jeff's would be a separate issue. Dave explained they will do the conditional use for Dolores and then do the rezoning all together.

Paula asked for clarification purposes, if the V on the permit packet was for variance or conditional use. Dave said they wanted to get this resolved tonight. Dave added we can recommend to Council to do a conditional use. Paula stated she was questioning this as to procedure, if it was advertised for a conditional use or a variance request. Dolores said she didn't think people knew the difference between conditional use and a variance. Dolores said it was advertised as a variance, if that's a semantic issue, then you have to get your clerks to be able to tell you the right thing to advertise it, as since those are the people who do it. Jordan added that they were also told Dolores could get her rezone through the Board. Don clarified Dolores would be going to a Town Council meeting next. Dolores asked if it had to be advertised too. Steve said no. Paula added that their authority is limited to recommending to the Council, regardless, that's there extent. This is a CUP request not a rezone. Dolores said if she requested a conditional use permit would there be a difference. Paula said that they advised her in the last meeting that it had to be a Conditional use permit not a variance and that it still would have to go to Council. Dolores asked if they had an issue with the terminology. Dave interjected with stating about the Town's growing pains and we need to all work together, whether it's a conditional use or variance, regardless, of the way it's worded he wants it to get resolved at this point.

Donn stated that they know the intent for the purpose she (*Dolores*) has requested, so whether it's a variance or conditional use permit it is the proper terminology. He thinks everyone is well aware of what a request is, what she is trying to do and there is a specific request for that type of business. So it makes sense to him that they can act without a problem with the terminology at this point. Discussion went into what procedure the Board of Adjustment wanted property owners to follow in doing the rezoning of their area. Dave said they will come out with the district map for public comment, then when the public okays the rezone of that area, they can move on, but now is not the time to address this.

Dolores wanted to note, that she appreciated what Steve said. She has spent money on advertising and if they're going to put it in a lump, she didn't want to see everyone have to go through this process. That the advertising fees, what she had to pay to request the zoning, might be considered given back to her. Paula advised that they (*BofA*) recommends to the Council, the Council may choose to go ahead and grant her rezoning too at that time. Dolores said her experience is that the Town Council goes with your (*BofA*) recommendation because you know more than they do about this situation and that's the way it should be. Don said they had a gentlemen come in for a variance and he paid all those fees and he wasn't granted his variance, so those fees were absorbed by him. He added that that is the risk you take when you apply for this stuff. Dolores clarified that instead of piecemeal rezoning this thing, let's put the whole piece together. Dolores asked for some consideration as she went through the procedure as what was requested of her by the Town and she understands the risk, but it's a small amount for the Town. Dave stated that Paula really took care of getting ahold of the attorney and getting the answers for them.

*Steve Fusco motioned to recommend a conditional use allowed as presented to the Board, (no conditions on the permit as okay as it stands), Scott Reed seconded, All in favor.*

*Steve Fusco motioned to recommend rezone, Don Sherman seconded, All in favor: Steve and Don, Opposed: Dave Gustafson, Paula Stevens, Scott Reed. (On hold until zoning blocks are complete, public hearings, than area would be rezoned at the same time instead of one property at a time.)*

#### 4- ADJOURNED MEETING

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### Planning & Zoning Commission MINUTES

#### 1 - CALLED TO ORDER

#### 2 - ROLL CALL & ESTABLISHED A QUORUM

3 - **P&Z MINUTES:** June 22<sup>nd</sup> (*Steve Fusco motioned to approve June 22<sup>nd</sup>, Paula Stevens seconded. All in favor.*) & July 13<sup>th</sup>, 2004 (*Steve Fusco motioned to approve July 13<sup>th</sup> minutes, Don Sherman seconded, All in favor.*)

4 - **COUNCIL MINUTES:** June 15<sup>th</sup>, 2004 *Don Sherman motioned to approve, (motions were held until end of meeting), & July 6<sup>th</sup>, 2004 & July 20<sup>th</sup>, 2004 (table-handed out at mtg.)*

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

- **David Silva Fence Permit #F-10-04-** Requested a fence permit. David said he is adding to an existing fence. David explained the manhole for the water main apparently is right on the property line. So with the post fences he would bring it inside the manhole so the maintenance could still get to the manhole. Joe approved onsite inspection. Scott asked about the difference of the fencing. David explained. *Scott Reed motioned to approve Fence permit #F-10-04, Steve Fusco seconded, All in favor.*
- **Terry Weber Residential Building Permit# R1- 10-04-** Kallal Construction, Justin Kallal, on behalf of Terry Weber, requested a permit to build a single family home. Has Riverview Meadows approval. Pre-plan review and on-site review were approved by Inspectors. Dave asked about the smoke detectors. Justin said their electricians are Star Valley Electric and they build everything to code. Dave verified the roof framing was 100 psf. Steve asked about the heating. Justin said it would be propane fireplace and cope heating, a new style of electric heat that mounts above windows. Don asked where the heights of the house were. Steve asked about the tank as it did not show on the siteplan. Justin said it'll be a buried tank. Justin said would not come close to the 35ft. height with the single family house. He had 3-D drawings from Jenkins to show what it would look like. *Steve Fusco motioned to approve #R1-10-04 and that the buried propane tank will be installed in accordance with Town code, Paula Stevens seconded, All in favor.*

Don requested Justin put the actual heights on the plans in the future, as he has what is called the elevation plan but it only has the scale. Don added that Riverview Meadows pre-approves the plans which makes their (P&Z) job much easier.

- **Paydirt/Jackson Hole Real Estate & Appraisal Commercial Building Permit# C- 04-04-** Brad Andrews, general contractor, requested a permit to build a modular commercial building. Pre-plan review and on-site review were approved by Inspectors. Inspector Radford did have concerns regarding the flooring on second floor. They have not received Fire Marshall's approval at this time. Brad explained that Jim Narva had all the sets for the Fire Marshall's review. Dave explained that they are in the process of making their Fire Marshall's approval procedure as it was recently discussed with Council. Don added that he wanted the commission to know that Brad had called him and asked him many questions previous to this meeting. Dave thanked him for being there to answer Brad's questions. They began discussion on the parking spaces. Paula asked about the Handicapped parking spaces. Steve discussed usable space and how to decipher what is and what is not. Steve read Inspector Radford's notes re: the floor joist span is long for 2x 12, at 16 centers and all 7/8" BCI or truss joist in the 450 series would be far superior. Scott explained they might want to change it to a TGI, it is a plywood highbeam as a TGI has double the strength. It's to help inflexion load. They give you a floor rating of how much flexion you get. Scott said that Lyal maybe saying they could get by with a 16 foot, but they may hear the roof cracking above them. Steve asked them to look into it. Paula asked if the back setback, if it would be curbed. Brad said he's talked to Jim Montoro already and was advised to use the existing curbcuts on either side of them. They have permission from Bob Barlow and Tiphany Gayhart to use their egress and their ingress. Mr. Montoro is allowing them to use the frontage road that is east of the beautification for access and the with a condition.

*Paula recommends that it be continued to next meeting. Tabled until August 10<sup>th</sup> for correct parking calculation (Steve will be in on Friday to go over calculations) and Inspector Joe Sender to verify. Also tabled for Fire Marshall's approval.*

- **Paydirt/Jackson Hole Real Estate & Appraisal Sign Permit# S-10-04-** Brad Andrews requested a sign permit for their commercial building (Permit#C-04-04). Sign is 55 sq.ft. on pressure treated wood posts. *Don Sherman motioned to approve #S-10-04, Dave Gustafson seconded, All in favor.*

*continued...*

- **Information Only**- Secretary needs to be advised when to schedule Ofcr. Phillips regarding his helping P&Z with the penalties, fees, etc. regarding Planning & Zoning ordinances/codes. Dave Gustafson requested a meeting with the officer. Secretary advised the officer that P&Z is extremely busy with permits as it is building season, but would like to get him scheduled for a future meeting.
- **Information Only**- Secretary has created new permit checklists to be given for fence, deck and sign permits. They will be mailed to all members this week for your review. Please call secretary with any changes/corrections/deletions/additions you feel need to be on these checklists or call to advise you approve. A building permit checklist was already created and is in force which used the original building permit instructions.

6 - UNFINISHED/ONGOING BUSINESS:

• **P&Z ATTENDING COUNCIL MEETINGS:**

- 1) August 3<sup>rd</sup> - Paula Stevens      2) August 17<sup>th</sup> - Scott Reed      3) September 7<sup>th</sup> - Dave Gustafson

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

**-CODE RESEARCH SESSION- After Meeting Session**

- **P&Z Procedures** - Dave Gustafson requested a discussion on how to proceed with making P&Z/BofA procedures. As discussed in the Town Personnel Meeting, procedures are greatly needed. These procedures should be created by P&Z.
- **Bull Moose Saloon sign** - A sign has been attached to the front roof structure without a sign permit. Also it is lit, and Mr. Blittersdorf specifically stated in writing there would be no electrical. Whether it is lit by an extension cord from another part of the building, it is still putting electric onto the roof structure & was not approved in the roof structure **Permit# RE-03-04**.

**- UNFINISHED - Town Codes Section:**

- **Zoning Map** – Need to go through by subdivision to update/redo this map.
- **CODE NEEDING UPDATED:** New ordinance/code updated is needed, to add that New homeowners & businesses need to identify their physical address & they should also call Town to obtain their correct physical address first.
- **GREATER ALPINE AREA MASTER PLAN**
- **CERTIFICATE OF OCCUPANCY PERMITS (TABLED):** Commission has discussed process of issuing certificate of occupancy permits. Some new businesses and residential homes have been issued an occupancy permit without finishing their projects entirely. Dave Gustafson drafted an ordinance, similar to what Jackson utilizes. Currently, for when certificates of occupancy permits are issued. Action needs to be taken to write the draft code and forward to Council.
- **ACCESSORY BUILDING/ SHEDS (TABLED):** Current codes for accessory buildings/ sheds are too vague. Lots of questions re: how big a shed can be, whether it can be placed in setbacks, etc. There is no building permit application for a shed either. *This code will need to be rewritten/ modified.*
- **COMMERCIAL DEVELOPMENTS/LANDSCAPING PLANS (TABLED):** Commission discussed implementing landscaping plans for commercial and R-2 zoned properties. As many new businesses and R-2 zoned business for rental housing have done a great job completing their proposed landscaping, many businesses and apartment complexes have not. Dave Gustafson agreed to draft proposed landscaping requirements for B-1 and R-2 zoned properties for the August 26, 2003 Planning & Zoning Meeting. Item pending Dave Gustafson’s completion of a draft code.

***Items Mailed to Board of Adjustment prior to tonight’s meeting:***

- Letter from secretary regarding Jeff Raver’s phone call on the rezoning issue
- Letter from Dolores Urban/Journeys regarding information on her rezoning permit request

***Items given to Board of Adjustment/P&Z during tonight’s meeting:***

- July 13<sup>th</sup>, 2004 Board of Adjustment/P&Z Minutes
- July 20<sup>th</sup>, 2004 Council Minutes

\_\_\_\_\_  
Dave Gustafson, acting Chairman

\_\_\_\_\_  
Date

Attest:

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Steve Fusco (P&Z Secretary absent)

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Date