

Douglas Dispatch

P&Z Commission says no to increased setback requirements

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Published/Last Modified on Wednesday, January 20, 2010 10:09 AM MST

After a long discussion at the end of a marathon four-and-a-half hour meeting, members of the county Planning and Zoning Commission voted 5-2 not to change the owner-builder opt-out amendment to establish new 75-foot setback requirements.

Instead, Jim Martzke, Duane Brofer, Pat Edie, Rusty Hargess and Ron Bemis voted in favor of leaving the owner-builder opt-out with the current 20-foot setbacks on all four acre parcels. Commissioners Gary Brauchla and John Wendle voted against it.

Brauchla was against owner-builder opt-out completely and thought it should be eliminated. Wendle did not state why he wasn't in favor of the motion.

The commissioners did go along with the expansion to the other zoning districts as stipulated in the amendment if the parcel had a minimum of four acres.

Susan Buchan, planning and zoning director, brought the matter to the commissioners as requested by the Board of Supervisors.

In a recent work session, the supervisors had agreed, with some reservations, to increase owner-builder opt-out setbacks to 75 feet from all property lines and to allow the opt-out to apply to other property owners in other zoning districts.

Buchan said there could be safety issues with homes built by owners who chose not to have their homes inspected. She suggested that since the county would be unable to inspect a home built by the owner, that home would be substandard, posing a danger by an exploding gas furnace or fire due to haphazard connections.

No evidence was provided to back up her statement.

A 75-foot setback would allow a building envelope of 1.7 acres if the parcel were a perfect square.

If the parcel were an odd shape or rectangular or had a wash or other ground feature that would render some part of the parcel unbuildable, owner-builder opt-out would not be available.

Three residents who chose to speak at the public hearing believed safety was not the issue — boosting revenues to cover expenses of the department was.

Helene Jackson of McNeal told the commissioners that when the building codes were passed, it was promised that the division “would pay for itself through inspection fees.” In 2008, when the building inspector explained the department’s large deficit, he told the supervisors that \$60,000 was lost due to the owner-builder opt-out.

Though the commissioners put forward the recommendation to leave owner-builder opt-out basically as is, it will be up to the supervisors to determine whether or not to heed the recommendation.

Also at the meeting ...

Habitat For Humanity received a recommendation of approval for a rezoning request so a community of 15 homes can be built on parcels that, once combined, total 1.98 acres. The subdivision is located off of Schraeder Road with access via Shelley Lane.

Ray Bouchard, president of the Sierra vista organization, requested the rezoning to provide affordable housing for residents who meet the requirements of home ownership.

The subdivision will be built with the environment in mind.

The development wants to achieve the county’s silver rating and will use passive solar collection, denser insulation, water conservation methods and plans to reuse water from the package wastewater treatment system for landscape watering.

The supervisors will make the final decision on the rezoning.

The commissioners also approved a special use permit as requested by Kurt Dunham of Lawrence Dunham Vineyards for a winery tasting room in an existing 2,400 square-foot building on a 40-acre parcel near Pearce on Kuykendall Cutoff Road.

Other actions

In other business, the board:

- Approved a special use permit as requested by Sheila and William Ritter to operate a bed and breakfast quilting retreat in an 1,100-square foot structure on two acres on Calle de la Mango in Hereford. The retreat could handle as many as 20 guests per weekend.
- Tabled a request on a special use permit for a breeding facility on an eight-acre parcel on Appaloosa Lane near Benson until next month.
- Approved a one-year extension for La Marquesa Subdivision tentative plat, but did not approve a waiver that would have permitted developers to go with individual wells instead of a water company.