

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. CONSENT OF AUGUST 8, 2017 MINUTES
- V. PUBLIC HEARINGS AND RELATED ACTIONS
  - a. Recommendation Variance for the North 35' of Lots 6, 7, and 8 in Block 6, South Creede
- VI. ONGOING DISCUSSION
  - a. Tiny Home Recommendations/Discussion
- VII. ADJOURN

POSTED 9/8/17

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OPEN TO THE PUBLIC

**PLANNING & ZONING COMMISSION**  
**CITY OF CREEDE, COLORADO - A TOWN**  
**August 8, 2017**

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede – a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 5:30 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Lauri Jordan, Ed Vita, Frank Freer, Amy Krueger, Jeffrey Larson  
Commission Chair Jordan, presiding, declared a quorum present:  
Those members of staff also present were as follows: Clyde Dooley, Town Manager  
Randi Snead, Town Clerk

AGENDA

Commissioner Krueger moved and Commissioner Larson seconded to approve the agenda as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF JULY 11, 2017 MINUTES

Corrections were made to the July 11, 2017 minutes. Commissioner Freer moved and Commissioner Larson seconded to approve the July 11, 2017 minutes as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

NEW BUSINESS

RIO GRANDE SUBDIVISION: WHAT'S NEXT?

Manager Dooley informed the Commission that formal subdivision procedures would be complete by the end of the month, he is pursuing closing the street, and that further planning is slated for this winter.

VICK VARIANCE

Manager Dooley informed the Commission of the application for a variance on R-1 as well a replat of the property on La Garita Avenue. The Planning & Zoning public hearing on the variance is scheduled for September 12, 2017, and the replat will be considered once a boundary agreement has been reached.

OLD BUSINESS

TINY HOMES

Tiny homes regulation was discussed at length. Commissioner Krueger moved and Commissioner Larson seconded to approve the following recommendation to the Board of Trustees, to be considered in general and to invite feedback in order to direct work on more specific legislative recommendations:

- That RV regulations be thoroughly overhauled in consideration of the State of Colorado classification of tiny homes as RVs.
- That RV-type tiny homes are allowed in R1, R2, and MH as a permitted use and B1 and B2 as a special review use.
- That minimum square footage of all permanent-foundation homes and all accessory dwelling units in all zones be reduced to 400 square feet (for reference, approx. 20' x 20' home). Smaller square footage homes may be considered by special review use.
- That RV-type Tiny Homes used for a residence are be hooked up to city water and sewer.
- That RV-type Tiny Homes used for a residence are permitted on vacant lots and RV Parks and that use of an RV-Type tiny home as a residence may be permitted elsewhere by special review use.

There were four yes votes and one no vote (Vita). Commission Chair Jordan declared the motion carried.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Vita moved and Commissioner Krueger seconded that the meeting be adjourned at 6:37 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

/Randi Snead/  
Randi Snead, City Clerk/Treasurer

DRAFT

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# VICK VARIANCE

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**TO:** Planning & Zoning Commission  
**FROM:** Clyde  
**SUBJECT:** Sharon Vick Variance request  
**DATE:** August 15, 2017

Sharon Vick submitted a Land Use Application requesting a variance on her property including front and back yard setbacks. I think once you see the survey and property description you'll understand.

This has got to be one of my favorite property descriptions – are you ready?:

**“THE NORTH THIRTY-FIVE FEET OF LOTS SIX, SEVEN AND EIGHT,  
SOUTH OF THE NORTH THIRTY-FIVE FEET OF SAID LOTS IN BLOCK  
SIX, SOUTH CREEDE.”**

Gotta love it – don't ya. Anyway, once it all sinks in, I think you'll all agree it makes sense under the circumstances. If you look at one of the 1905 pictures of Creede, this house is in it. So is the old Kulyk's house, but the Dresser house is not. I think crowding people in to tight spots has always been an issue with the housing problems we still face today.

As you can see from the survey these houses were built on the western edge of their lots [the fences actually extend into La Garita Avenue] and situations like this are considered legal non-compliance or more commonly referred to as “grandfathered-in” when new regulations create the problem. I think it's fair to allow this “grandfathered-in” situation to continue with new construction – again because of the circumstances.

One of the things about the “due process” is it allows neighbor's and the general public to comment on our thinking prior to the Board of Trustees decision in the form of two (2) public hearings.

And speaking of the two public hearings, I'm planning the public hearing for you to be on September 19<sup>th</sup> and for the Board of Trustees October 3<sup>rd</sup>.

Randi reminded me yesterday that if all goes according to plan, I'll miss the next two Planning & Zoning meetings. So I've included our Variance regulations and review criteria to help answer any of your questions, followed by a draft of the resolution I plan on presenting to the Board of Trustees for their consideration in October.

**9-03-090      Variance.**

In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of the Development Code as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from topographic or physical conditions on the site or in the immediate vicinity; or from other physical limitations, street locations, or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance. It is not the intent of this section to allow variances in the classification of uses of property.

**(a) Review Procedures.** Applications for a variance shall follow the general review procedures set forth in §9-03-020, *General Procedures and Requirements*. Applications for variance may be initiated by the owner of property for which a variance is desired.

**(b) Review Authority.** The Board of Adjustment shall review and render a decision on an application for a variance after conducting a public hearing. The decision of the Board of Adjustment may be appealed to Board of Trustees [see pg. 70] pursuant to §9-03-130, *Appeal*.

**(c) Review Criteria.** The Board of Adjustment shall use the following review criteria as the basis for a decision on an application for a variance:

1. The degree to which relief from the strict or literal interpretation and enforcements of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of the Development Code without grant of special privilege;
2. The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities, and public safety;
3. Such other factors and criteria related to the subject property, proposed development, or variance request as the decision-making body deems applicable to the proposed variance.

- (d) **Required Findings.** The Board of Adjustment shall make the following written findings before granting a variance:
1. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same district;
  2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
  3. That the variance is warranted for one or more of the following reasons:
    - (i) The strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Development Code;
    - (ii) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone; or
    - (iii) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone district;
- (e) **Conditions.** A variance granted by the Board of Adjustment may contain limitations as to time or disposition or use of the tract in question in order to ensure that the stated purpose of the variance request is realized.
- (f) **Action Notice.** The City Manager shall notify the applicant for a variance in writing of the Board of Adjustment's action within five (5) days after a decision has been rendered.
- (g) **Expiration.** The variance approval expires if a building permit is not obtained within one (1) year of the approval.

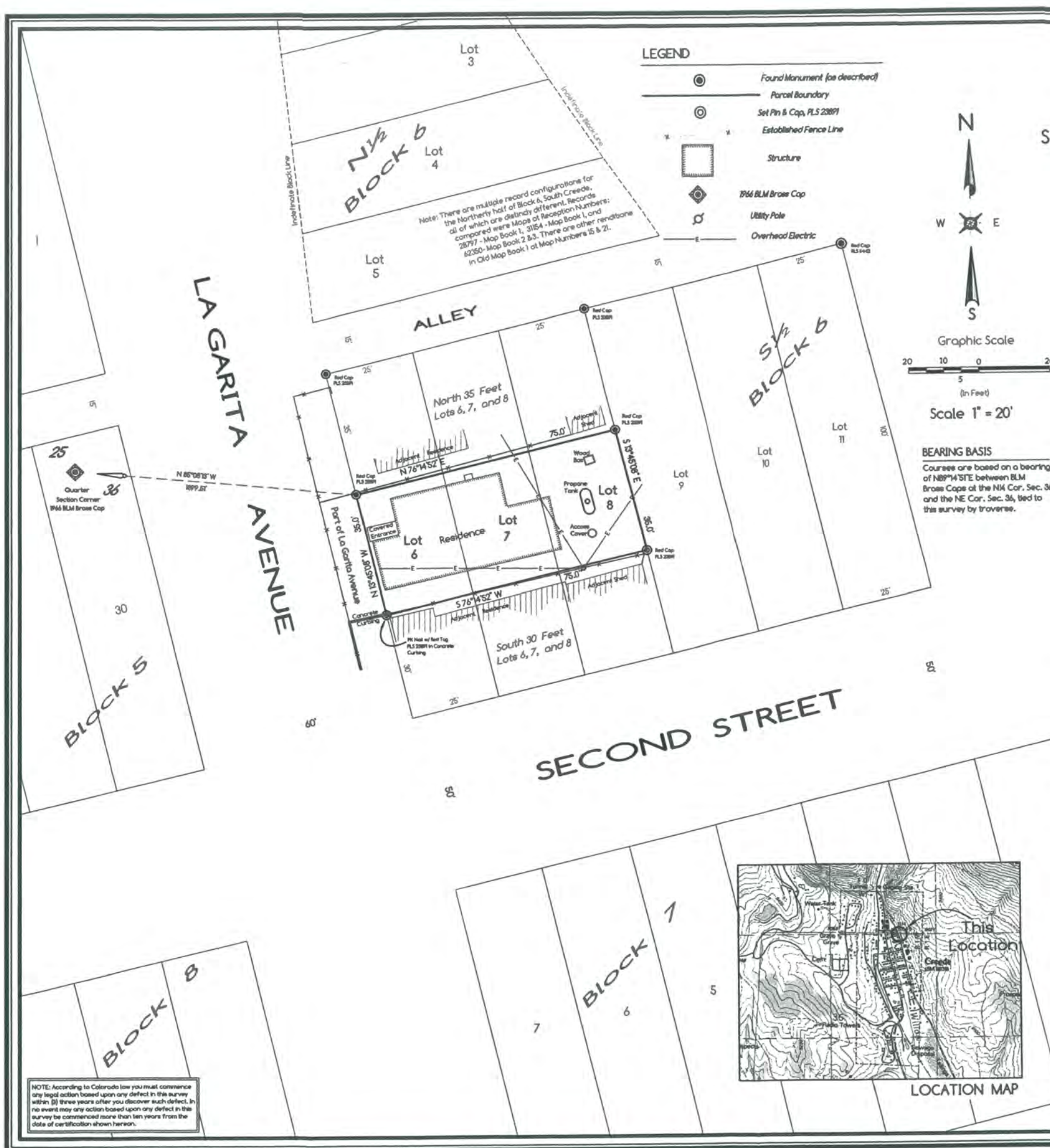
### Reason for Variance Application:

Owner seeks to entirely demolish the existing residence and replace with a new single family residence. The lot is 35 wide by 75' deep and, therefore does not conform to City of Creede R-1 Zoning standards in terms of lot size minimum square footage and minimum lot width or frontage.

In addition to relief from lot size minimum requirements, we seek relief from two setback requirements. The first is relief from the front setback requirement of 15'. We would like to be able to follow the same setback as the existing home, which is currently only 1'-2" from the existing property line; however this distance is 11'-8" from the existing fence line. We are working with our neighbors to put together a group application for a boundary adjustment which, pending approval, will make the fence line the actual property line and, therefore, the resulting front setback would be 11' 8" and not 1' 2". Because the structures on both the north and south sides of the subject parcel are set back the same distance (also roughly 1') from their respective front property lines, granting relief from this setback requirement will not alter the nature of the neighborhood, and will not cause any harm to the neighbors. The second setback requirement we seek relief from is the rear setback requirement of 20'. We wish to build within 13' 10" of the rear setback. The City of Creede does allow accessory buildings or alley loaded garages to be within 5' of a rear setback. This lot is a bit unusual for the City of Creede in that it does not have an alley on the rear lot-line, so an alley loaded garage will not be possible for this parcel. Because the R-1 Zoning standards do allow construction within 5' of a rear setback, we feel that our request to build within 13' 10" of the rear setback given the space constraints of the lot is also not unreasonable, and does not change the essential character of the neighborhood. We fully intend to abide by the side setback requirements of 5'. It is worth noting that the existing residence does encroach 1' 6" into the north side setback and this setback encroachment will be cured as a result of the construction of the new residence.

The existing residence is in very poor condition and lacks a proper foundation and insulation, making it suitable for summer use only. To remodel the existing residence and bring it up to modern standards would be cost prohibitive. If this variance is granted, the resulting residence, which will be designed for year-round use will have an economic benefit for Creede as the owner intends to use it in the winter. It will be an upgrade to the general housing stock in Creede and it will be an opportunity for the City to have another residence equipped with a water meter. Thank you for your consideration.





# Lot Survey

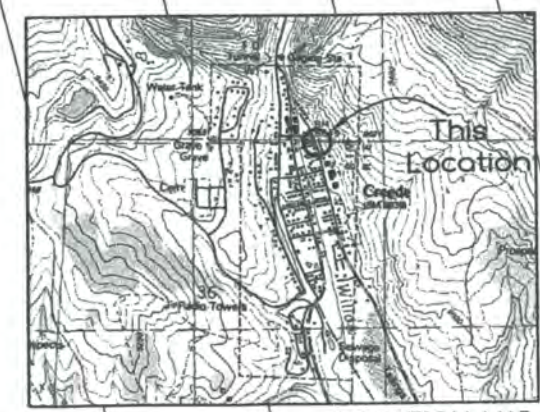
The North 35 Feet of Lots 6, 7, and 8,  
South of the North 35 Feet of Lots 6, 7, and 8,  
Block 6,  
South Creede, City of Creede,  
Located in the NE¼ Section 36,  
Township 42 North, Range 1 West,  
New Mexico Principal Meridian,  
Mineral County,  
Colorado.

## SURVEYOR'S STATEMENT

I, Wm. D. Kitterman, a duly registered land surveyor in the State of Colorado, do hereby state that this plat was prepared by me and from the data of a survey made by me and is true and correct to the best of my knowledge and belief.

## MONUMENTED SURVEY PLAT DEPOSITING CERTIFICATE

Deposited this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2017, at \_\_\_\_\_ O'Clock \_\_\_\_\_ M., in the Land Survey Plats at Reception No. \_\_\_\_\_  
Book No. \_\_\_\_\_, Map No. \_\_\_\_\_,  
of the records of Mineral County, Colorado.  
Signed: \_\_\_\_\_ Title: \_\_\_\_\_



NOTE: According to Colorado law you must commence any legal action based upon any defect in this survey within (3) three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

**rincon** Rincon Associates, Inc.  
P.O. Box 1025 Alamosa, CO 81001 (719) 589-3444  
**Lot Survey**  
The North 35 Feet of Lots 6, 7, and 8,  
South of the North 35 Feet of Lots 6, 7, and 8,  
Block 6,  
South Creede, City of Creede,  
Located in the NE¼ Section 36,  
Township 42 North, Range 1 West,  
New Mexico Principal Meridian,  
Mineral County,  
Colorado.  
Drawn by: WDK March 2017  
Job No. 5288 Sheet 1 of 1



To the City Trustees of Creede, Colorado:

Thank you for the opportunity to provide input for the requests for variance.

The city of Creede is a unique and special place for many of its citizens. Most of its homes are small dwellings on small lots that reflect the unique history of Creede. The lot in question is located on 112 La Garita Street and sits on a row of small lots and one-story homes.

Construction restrictions on small lots are vital to the quality of our neighborhoods. They maintain the unique look and spirit of Creede. These restrictions provide a control and balance for new construction in relationship to the other homes in the area.

We also support the growth of our town and we welcome the economic opportunities for employment the new construction would provide to our citizens.

With these thoughts in mind, our neighborhood would support the issuing of a variance restricted to a one-story home. \*

\* Not to exceed present height.

Respectfully,

*Scott Rickard*

• SCOTT RICKARD

201 E 2nd Creede, Co

*Marianne Zant*

• Marianne Zant  
202 E 2nd St.

*Stan Lantz*

• Stan Lantz  
202 E 2nd St.  
81130  
STAN LANTZ  
JULIA LANTZ

*Ann Zarate*  
202 E 2nd St.

• ANN ZARATE

*Ronald Rounds*

• RON ROUNDS  
205 E. 2ND STREET  
Creede, CO 81130

• Kindra Rounds  
Kindra Rounds  
1010 S. Main St. Creede, CO 81130

• *Stephen Reed*  
Stephen Reed  
115 E 2nd St.

*Christine L. Brandt*

• Christine L. Brandt  
115 E. 2nd St.  
Creede, CO 81130

• *John Gary Brown*  
JOHN GARY BROWN  
115 E. 2nd St.  
CREEDE, CO. 81130

• *Susan MacPherson*  
SUSAN MACPHERSON  
123 E. 1st St.  
Creede

*Jane MacPherson*  
Jane MacPherson  
112 E. 2nd St.  
Creede, CO 81130

• *Mariah MacPherson*  
MARIAH MACPHERSON  
301 LA GARITA, CREEDE 81130

Elizabeth K Lamb  
106 E. 2nd St  
Creede Co 81130

\*SEE EMAIL FOLLOWING PETITION

Beverly J. LARSON  
of Beverly J. Larson  
Derry C. Larson

TERRY A. LARSON  
305 S. MAIN ST  
CREEDE, CO 81130

Julie Kushner  
Larry Morgan

• Julie Kushner  
• Larry Morgan  
115 E 2nd St

• GWEN PAYNE  
205 E 6th ST  
P.O. Box 123  
CREEDE CO 81130  
Gwen Payne

• Joyce Roden  
Joyce Roden  
PO Box 155  
102 La Garita  
Creede

• Patsy Louth  
Patsy Louth  
401 La Garita  
Creede, CO.

• Forest Ticey  
Forest Ticey  
110 LA GARITA  
CREEDE CO 81130

Mary E. Ashley  
1006 S. Main St. #8

~~Marya Muse~~ Maryann Maya Muse  
• MAYA MUSE MARYANN MAYA (Legal name)  
MUSE

106 W. 6th Street  
Creede, CO  
PO Box 811  
Creede, CO 81130

• DIANE SINGER  
Diane Singer  
105 La Garita  
Creede, CO 81130

Julie Meiser  
• Julie Meiser  
110 La Garita  
Creede, CO 81130

• SANDRA KROLL  
Sandra Kroll  
107 E. 2nd St.  
Creede, Co 81130  
719 850 2610  
8/30/2017

• ERIN LYNN KEECH  
Erin-Lynn Keed  
1323 RIO GRANDE AVE  
Creede CO 81130  
3/21/17 719 680-1846

**Randi Snead**

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**Subject:** FW: Vick Variance

From: **Libby Lamb** <[libbylundock@live.com](mailto:libbylundock@live.com)>

Date: Fri, Sep 8, 2017 at 3:50 PM

Subject: Vick Variance

To: Randi Snead <[clerk@creedetownhall.com](mailto:clerk@creedetownhall.com)>

Randi,

Please remove my name from this petition. I feel Mr. Rickard misrepresented the facts the day I was walking by.

In fact, I thought he was in favor of the variance for the Vick's property.

Sincerely,

Libby Lamb (Elizabeth K. Lamb)



(Typed list of petition signers in no particular order)

|                           |                                         |
|---------------------------|-----------------------------------------|
| Scott Rickard             | 201 E. 2 <sup>nd</sup>                  |
| Manuel Zarate             | 202 E. 2nd                              |
| Ann Zarate                | 202 E. 2nd                              |
| Ron Rounds                | 205 E. 2nd                              |
| Kindra Rounds             | 205 E. 2 <sup>nd</sup> and 1010 S. Main |
| Stephen Reed              | 115 E. 2nd                              |
| Christine Brandt          | 115 E. 2nd                              |
| John Gary Brown           | 115 E. 2nd                              |
| Susan Madrid              | 123 E. 1st                              |
| Jane McPherson            | 112 E. 2nd                              |
| Stan Lentz                | 425 S. Main                             |
| Julie Lentz               | 425 S. Main                             |
| <del>Elizabeth Lamb</del> | <del>106 E. 2<sup>nd</sup></del>        |
| Beverly Larson            | 305 S Main                              |
| Terry Larson              | 305 S Main                              |
| Julie Kushner             | 115 E. 2nd                              |
| Larry Morgan              | 115 E. 2nd                              |
| Gwen Payne                | 205 E. 6th                              |
| Patsy Louth               | 401 La Garita                           |
| Forest Tivey              | 110 La Garita                           |
| Mary Ashley               | 1006 S. Main                            |
| Maya Muse                 | 106 W. 6th                              |
| Julie Meiser              | 110 La Garita                           |
| Diane Singer              | 105 La Garita                           |
| Sandra Kroll              | 107 E. 2nd                              |
| Erin Lynn Keech           | 1323 Rio Grande                         |



## Manuel Zarate

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**From:** scott rickard [REDACTED]  
**Sent:** Thursday, September 7, 2017 10:25 AM  
**To:** Manuel Zarate  
**Subject:** Fwd: Variance Input  
**Attachments:** Variance Input.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** scott rickard <[REDACTED]>  
**Date:** August 14, 2017 at 12:19:45 PM GMT-6  
**To:** [REDACTED]  
**Subject:** Fw: Variance Input

Clyde, this is a unsigned copy of the proposed input to the variance request we discussed. We also discussed our meaning of single story structure if that needs to be put in writing, let me know. We discussed other aspects of the request that you can convey to whomever you feel appropriate. Thanks for your time and stand ready for further dialogue as needed.

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Saturday, August 12, 2017, 12:12 PM, Manuel Zarate [REDACTED] wrote:

Dear Planning Commission Members,

In response to the City of Creede, Notice of Public Hearing regarding variance's for the middle 35 feet of lots 6, 7 and 8, Blocks 6 of South Creede:

Lots 6, 7 and 8 are each 100 feet long. The variances request seeks to change only the middle 35 feet of each of the lots. The remaining 65 feet of the three lots are not included in the variance request.

The request, if granted, would set a precedent for the abandonment of the R-1 zoning standards that the city and planning commission established for the citizens of Creede. Since the variances would only be applied to the middle 35 feet of lots 6, 7 and 8, acceptance of the variances request will create a selective bias and unfair treatment to the owners of the other 65 feet of lots 6, 7 and 8.

We request the variances be amended and applied to the full 100 feet of lots 6, 7 and 8 and applied to any other middle lot in the city of Creede. This action will terminate the need for R-1 zoning rules.

The variance request should now read: Setbacks will be 7.5 feet from the current western boundary of lot 6 and eastern boundary of lot 8. North and side setbacks will be 5 feet for each of the 3 parcels. Setbacks will be applied to all of lots 6, 7 and 8 as well as to any other multiple cross lot ownerships.

Applying this precedent will eliminate varying zoning standards within existing lots.

  
SCOTT RICKARD

## Manuel Zarate

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**From:** scott rickard <[REDACTED]>  
**Sent:** Thursday, September 7, 2017 10:28 AM  
**To:** Manuel Zarate  
**Subject:** Fwd: More thoughts on variance request

Sent from my iPhone

Begin forwarded message:

**From:** scott rickard <[srick11573@yahoo.com](mailto:srick11573@yahoo.com)>  
**Date:** August 14, 2017 at 10:52:01 PM GMT-6  
**To:** [manager](#) [REDACTED], Zarate Manuel <[m](#)[REDACTED]>  
**Subject:** More thoughts on variance request

Clyde, The 2 story portion of house on submission is 16x60x2 stories = 1920 sq ft plus an estimated one story portion of 30x9=270 sq ft. Grand total estimated as 2190 sq ft which completely overpowers a 2625 sq ft residential lot.

Sent from my iPhone

Thank you, Clyde, for the schedule. I very much want to work this out with all parties to proceed with the house. It is fine with me if you want to give the neighbors my email address or phone number. I would be happy to talk to any of them.

Regards,

Sharon

On Monday, August 14, 2017 1:01 PM, Clyde Dooley <[manager@creedetownhall.com](mailto:manager@creedetownhall.com)> wrote:

Hi Sharon,

I thought I'd send you the schedule of the process we'll be going thru with the Board of Trustees. As you can see it will be October 3<sup>rd</sup>, 2017 when the Trustees will make the final decision.

I wanted to send you this because some of your neighbors have approached me about your plans and would like to talk with you if possible. I of course don't want to share your contact information with them without your approval. So, would it be alright with you, if I gave them your email address?

Hope all is well with you,

Clyde



## Manuel Zarate

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**From:** scott rickard <[REDACTED]>  
**Sent:** Thursday, September 7, 2017 10:28 AM  
**To:** Manuel Zarate  
**Subject:** Fwd: Creede

Sent from my iPhone

Begin forwarded message:

**From:** scott rickard <sri[REDACTED]>  
**Date:** August 15, 2017 at 9:29:56 AM GMT-6  
**To:** Clyde Dooley <manag[REDACTED]>  
**Subject:** Re: Creede

Thanks Clyde. I appreciate your assistance.

Sent from Yahoo Mail for iPhone

On Tuesday, August 15, 2017, 8:35 AM, Clyde Dooley <manag[REDACTED]> wrote:

Good Morning Scott,

Thanks for your email about the size of the proposed house. As you can see Sharon is willing to talk with the neighbors about their concerns and below is her email address.

Have a good day,

Clyde

**From:** Sharon Vick [mailto:skvick@sbcglobal.net]  
**Sent:** Monday, August 14, 2017 4:22 PM  
**To:** Clyde Dooley <manager@creedetownhall.com>  
**Subject:** Re: Creede

## Manuel Zarate

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**From:** scott rickard [REDACTED]  
**Sent:** Thursday, September 7, 2017 10:29 AM  
**To:** Manuel Zarate  
**Subject:** Fwd: Request for variances

Sent from my iPhone

Begin forwarded message:

**From:** scott rickard [REDACTED]  
**Date:** August 15, 2017 at 1:16:54 PM GMT-6  
**To:** sky [REDACTED]  
**Subject:** Request for variances

Hi Sharon this is from Scott in Creede. There are numerous concerns regarding the variance application submitted in your behalf. To date most property owners adjacent to or in close proximity have signed a document stating this concern that will be presented to the proper authorities at the appropriate time. There are numerous concerns stated by the signers but the predominant ones stem from the fact that a multiple story structure will be erected if the variances are approved. If you're interested in discussing some of the concerns I've heard please call me and I'll share them with you. Looking forward to hearing from you.  
Scott Rickard 210-332-2185

Sent from my iPhone

## Manuel Zarate

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**From:** scott rickard <[REDACTED]>  
**Sent:** Thursday, September 7, 2017 10:29 AM  
**To:** Manuel Zarate  
**Subject:** Fwd: Request for variances

Sent from my iPhone

Begin forwarded message:

**From:** scott rickard [REDACTED]  
**Date:** August 16, 2017 at 7:32:46 PM GMT-6  
**To:** s [REDACTED]  
**Subject:** Re: Request for variances

Sharon,

Thanks for calling. I tried to give you as honest an opinion about your request for variances status as I could but that is all it was is my opinion based on the information I currently have. As you know there is a meeting with the planning and zoning board on 12 Sept and the one on 3 Oct with the board of trustees that will give the final decision. Again thanks for calling. Feel free to call if you would like further discussions.

Sent from my iPhone

On Aug 15, 2017, at 1:16 PM, scott rickard <[REDACTED]> wrote:

Hi Sharon this is from Scott in Creede. There are numerous concerns regarding the variance application submitted in your behalf. To date most property owners adjacent to or in close proximity have signed a document stating this concern that will be presented to the proper authorities at the appropriate time. There are numerous concerns stated by the signers but the predominant ones stem from the fact that a multiple story structure will be erected if the variances are approved. If you're interested in discussing some of the concerns I've heard please call me and I'll share them with you. Looking forward to hearing from you.

Scott Rickard 210-332-2185

Sent from my iPhone

**Randi Snead**

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**From:** Jane Macpherson <har [REDACTED]>  
**Sent:** Thursday, September 07, 2017 9:07 AM  
**To:** creedeclerk@gmail.com  
**Subject:** P&Z Meeting on September 12th

Hello,

I don't believe it would be a good idea to grant variances to build a 2-story home on the single lot on La Garita. To build a 2-story home there would require variances on 3 to 4 building codes. There are codes in place for a reason. It would set a very bad precedent. It would open the door to over building throughout the town. While I am all for more housing, it needs to be done on the proper scale.

I don't think anyone has an issue with them replacing the existing cabin with a new 1-story building, But if they want to build a bigger home, they need to find a bigger, more appropriate lot.

Thanks,  
Jane MacPherson



September 8, 2017

TO: Planning Commission  
City of Creede

SUBJECT: Variance's From R-1 Zoning

STANDARDS: Block 6 South Creede

COMMENTS:

I, Terry A. Larson do not think it is proper or correct to give or authorize a variance from the R-1 zoning standards in this case. I understand that all the people I have talked to about this, and the people who live in that area are against the change in zoning standard in this case. It is not a standard size building lot, 50 ft. by 100 ft., it has a house already on the property and I think this is a summer home now! The houses on each side of the present house are also on substandard or small lots. If you give a variance to the above case, why have zoning standards?

You will only be doing your job if you go along with the present zoning standard and wishes of the present property owners in the area.

I own residence and a business property in Creede.

  
Terry A. Larson

**PZC:** This is our recommendation as it was presented to the board. Following each bullet point is a summary of how they responded and possible legislative changes to accomplish what is desired by both us and the board (additions in red, removals struck out). Please also note – the BOT extended Amy’s permit for one year, they want to update the code all at once, and they gave us a deadline of preparing final recommendations based on their feedback last month of the January work session – meaning that we need to finalize them in January at the very latest. Please listen to the conversation from 8/15 for further info-RS

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## RECOMMENDATION

To: Board of Trustees  
From: Planning Commission

Date: 8/8/17  
Re: Tiny Homes

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During the past several months, the Planning & Zoning Commission has delved deeply into the discussion of Tiny Homes and have developed the following general “direction” for a recommendation to present to the Board of Trustees. The following recommendations passed 8/8/17 with one objection. PZC will proceed with technical legislative recommendations based on your input:

### **-That RV regulations be thoroughly overhauled in consideration of the State of Colorado classification of tiny homes as RVs.**

The Board of Trustees wanted statutory proof or other documentation of exactly how Colorado has “classified” tiny homes as RVs. The only thing I can find is that they have permitted licensing tiny homes as RVs. If someone has that, please bring it to the meeting.

Regardless, the Trustees were highly interested in changing the current RV restrictions to remove the 72-hour rule (but were not interested in extending the 24-hour on public roadway rule). In fact, they hoped to remove it at their September 5 meeting, but PH hearing restrictions prevented it. After discussing further, they opted for all changes to go through at once considering that the process is rather lengthy. So that definitely needs to be part of our recommendation. 9-05-050(c) could be revised as follows to accomplish that:

#### **(a) Parking Restrictions for Excess Weight Vehicles and Recreational Vehicles.**

~~(1) The owner or operator of any vehicle weighing in excess of ten thousand (10,000) pounds, other than emergency vehicles, shall not park said vehicle on any public right-of-way or roadway, except when making local deliveries, nor shall excess weight vehicles, boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses or detached/dismounted campers be parked or kept on private property for longer than seventy-two (72) hours, except as herein provided.~~

**(2) No boat, boat trailer, tractor, trailer, semi-trailer, motor home, bus or detached/dismounted camper shall be kept or parked upon any public right-of-way or roadway, except for visitation purposes not exceeding twenty-four (24) hours.**

~~(3) — All excess weight vehicles, boats, boat trailers, motor homes, buses or detached/dismounted campers kept or stored on private residential property for longer than seventy-two (72) hours shall be kept or stored in the rear yard screened from view, or within an enclosed building. No such vehicle shall be used for storage or as a business or residential premises.~~

~~(1) — All excess weight vehicles, boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses or detached/dismounted campers kept or stored on private property for longer than seventy-two (72) hours shall be kept or stored in a yard screened from view or within an enclosed building. The property where storage occurs must be properly zoned for the use. No such vehicle shall be used for storage or as a business or residential premises.~~

(2) No mobile home may be located ~~permanently~~ (Should we specify time limit here in light of removal above? 72 Hours?) in any residential area unless it is zoned for the same.

Additionally, the following may need to be stricken from 9-06-220

**9-06-220 Permanent Occupancy Actions Prohibited.**

a. ~~No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond six (6) months in any twelve (12) month period shall be presumed to be permanent occupancy.~~

b. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.

Also, remove language in RV definition that defines them as “temporary.” See p. 152 of CDC.

**-That RV-type tiny homes are allowed in R1, R2, and MH as a permitted use and B1 and B2 as a special review use\*.**

They liked this and instructed us to proceed. I haven’t had time to research how to proceed with legislative changes here and will continue to research Monday.

**-That minimum square footage of all permanent-foundation homes and all accessory dwelling units in all zones be reduced to 400 square feet (for reference, approx. 20’ x 20’ home). Smaller square footage homes may be considered by special review use.**

Did not support for primary residence. Directed us to keep the existing minimum square footage for each zone. Fully supported accessory dwelling unit use and recommended reducing the minimum square footage down to 250sf. I actually could not find any minimum square footage for ADUs and implementing one kind of defeats our purpose at the moment, so perhaps to legislative change there. However, they were interested in expanding the use of ADUs in all zones. Lets look at those regs to make sure they are consistent with that. As Ed mentioned, we also need to make the *maximum* ADU square footage consistent.

**-That RV-type Tiny Homes used for a residence are be hooked up to city water and sewer.**

Supported. Actually fairly easy to just regulate per our normal utility requirements, but we may want to find an appropriate place to state “Any RV used as a permanent residence must be connected to city water and sewer utilities and paying for such service accordingly.”

**-That RV-type Tiny Homes used for a residence are permitted on vacant lots and RV Parks and that use of an RV-Type tiny home as a residence may be permitted elsewhere by special review use.**

Supported, proceed. Again, I’m working next week on specific CDC changes for this one. Possibly add to zoning tables as special review use as well as in the definition of RVs?

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I was also asked to find out if a person hypothetically could apply to pay a residential rate rather than a vacant lot rate if they were living in an RV-type tiny home for many years. Libby said that she could not allow that according to statute, unless they got a building permit to build a permanent foundation on the residence, at which point it would violate our minimum square footage requirements, and therefore, our tax burden is not threatened by this recommendation.