

BOARD of ADJUSTMENTS & APPEALS MEETING

November 16, 2022 2:00 p.m.

AGENDA

- A. Call to Order
- B. Appoint Chairperson & Vice Chairperson
- C. Roll Call
- D. Approval of the Agenda
- E. Public Hearing: Variance Request at 422 Grand Ave.
- F. Adjournment

11/5/22

DEAR COUNCIL MEMBERS,

I WOULD LIKE FOR THE TOWN MANAGER TO READ THIS LETTER INTO THE "PUBLIC RECORD." THIS IS IN REGARD TO A VARIANCE PERMIT HEARING... SCHEDULED FOR NOV. 16TH, 2022... FOR A NEWLY CONSTRUCTED REPLACEMENT SHED LOCATED IN THE ALLEY AT 422 WEST GRAND AVE, MANCOS, CO.

MY NAME IS MIKE CHAPMAN AND I LIVE AT 432 WEST GRAND AVE, AND I AM THE NEIGHBOR OF TIM AND SHANJ STUBBS. THE SHED IN QUESTION ABUTS MY PROPERTY.

FOR THE RECORD I HAVE NO ISSUES WHATSOEVER WITH THE NEW REPLACEMENT SHED. I THINK THE TOWN COUNCIL SHOULD GRANT A VARIANCE TO THIS REPLACEMENT SHED.

I WOULD FURTHER MAKE AN ARGUMENT TO ALL COUNCIL MEMBERS: WHAT HARM IS THE REPLACEMENT SHED DOING TO THE TOWN OF MANCOS?

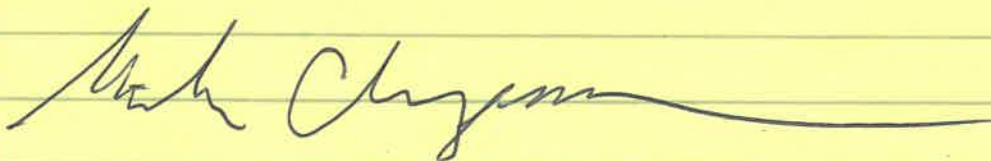
11/5/22

IF ONE WERE TO WALK UP THE ALLEYS IN MANCOS, COLORADO, ONE COULD PROBABLY COUNT 50 PLUS OLDER SHEDS SIMILAR TO THE SITUATION LOCATED AT 422 WEST GRAND AVE. AGAIN, WHAT HARM ARE THESE SHEDS INNOCENTLY CAUSING TO THE TOWN OF MANCOS?

I THINK A GREATER QUESTION IN MIND IS WHETHER MANCOS, COLORADO, HAVING HISTORIC CHARACTER AND ECLECTIC CHARM, WANTS TO BE TRANSFORMED INTO ANOTHER BOULDER, COLORADO, WITH SO MANY RESTRICTIONS YOU CAN'T EVEN BREATHE. NOT ME, THANK YOU KINDLY.

PLEASE GRANT THE VARIANCE REQUEST.

RESPECTFULLY YOURS,



To: The Mancos Board of Adjustment

Good afternoon, and thank you for your time in being here today.

Thank you for meeting in order to discuss an appeal for a variance at 422 Grand Avenue. We are seeking forgiveness for the construction of the shed and carport, and hope to make things right by paying relevant fees, getting the proper building permits, having it inspected, and seeking a variance appeal for setback. Please understand we did not intend to do illegal work on our property, but were unable to find answers to permit questions we had and moved forward believing we were grandfathered into the existing structural footprint.

We originally had an old shed on the northwest corner of the property. It had a similar construction style to the carriage house barn on the northeast corner of the property. Directly east of the smaller shed are buried gas and sewer lines, running north south from the house to the alley, and that can not be built upon. That area above the utility lines and alongside the old shed was being used for alley access vehicle parking. While working to stabilize the smaller shed, we realized that it was completely undermined by invasive elm roots which would need to be removed.

From January through March of 2022 we tried contacting the Mancos building inspector for guidance on how to proceed. Emails and phone calls were not returned. Learning that he also owned a local contracting business we left voicemails for him there, but again received no response. We called and emailed the town administrator in mid February, and received an email response that she was out of the office and unavailable for a month. There seems to be some miscommunication with friends contacting the town on our behalf; anything they learned was not relayed to us. With no response from the town, we moved forward assuming our reconstruction fell under the grandfather laws since it was rebuilt in the small footprint of the original structure. During the rebuild we added a carport over the parking area. At no time during the construction process were we advised by the local builders assisting us that permits were required for the work we were doing.

In August we got notice from the Town of Mancos that our shed structure was out of compliance and needed to be removed. We were shocked to hear this news. We contacted the town administrator, Heather Alvarez, who told us that she had communicated in writing to our contractor about the need for permits and setbacks. On August 8th the town administrator forwarded emails from February 2022 to us that had been sent between herself and our contractor, Nick Manning, who is also an active board of trustees member. This was the only time we saw or heard of these communications, which included specific information about the need for setbacks and permits. Nick Manning never shared this information with us, instead saying we could begin construction without these proper permits. He was acting as our contractor who understood town code as a representing agent of the town board. We were never trying to act illegally, but were misled on basic information pertaining to our property. We truly only want to proceed in the correct ways moving forward, and are hopeful that in light of these circumstances we may be granted the variance we seek.

It was never our intention to do anything nefarious or illegal. We now understand that we should have taken further steps through the town. We are asking for permission to keep the structure as it is. We hope to be able to pay any back fees related to permits and variances, and truly wish we could have better understood what needed to happen to rescue our dilapidated outbuilding. We now seek a way forward through this very unfortunate misunderstanding, and we ask for your guidance on how best to accomplish this without going into debt.

We have invested over \$30,000 in materials and labor into our new shed. We believe that we made vast improvements to an old dilapidated outbuilding and an unusable corner of the property, bettering the lot and neighborhood. The new structure has even earned the praise of the adjoining neighbor. To remove the structure would create an unnecessary hardship.

We are happy to provide more details on the project, but we do not have the resources to remove the structure. We are hoping to work with the town in order to salvage this bad situation, and we welcome guidance for how that can be accomplished.

Thank you for your time and attention,

Tim Stubbs
Shani Winer

We believe that our construction meets the seven criteria of a variance.

- 1) Utilizing the area beside the shed structure as a carport falls into the permitted use in the underlying zone district. We plan to use the carport for permanent off-street parking, which helps lessen vehicle congestion on the busy street in front the school.
- 2) There are special circumstances existing on the property that do not generally apply to other properties in the area and zone district. The presence of buried utility lines, including gas and sewer, severely limits the use of our property's lot in terms of setbacks. The buried utilities now lie underneath the new carport gravel, running from the alley to the house. This is the only area alongside the alley border that did not contain a structure when we purchased the property, and to abide by modern setback requirements would require building on top of these utilities.
- 3) These site conditions existed when we purchased the property, with existing structures all along the alley border except for the approximately 10' gap where the utilities are buried.
- 4) Approval of this variance will greatly improve the property. Where previously there was a dilapidated and unusable structure, now there is a useful storage shed and carport. This use appears to be similar to other properties throughout town. There are many examples of setback variances existing throughout town, both on the alley and sides of properties. In the 400 block of Grand and Bauer Avenues, it appears to us that all twelve of the twelve residences sharing the alley have structures and outbuildings that do not meet setback codes. In our informal survey from walking the alley, it would appear that nearly every property from the 200 through the 600 blocks have similar noncompliant structures. We recognize that many of these structures were likely grandfathered in, and we thought that our shed was also grandfathered in so that we were allowed to do construction within its original footprint.
- 5) We do not believe that the variance will adversely affect the land use pattern.
- 6) The variance will not have an adverse impact on surrounding property. The shed was rebuilt using styles and construction materials that reflect the character of our neighborhood. The neighbor adjacent to the west whose property line is next to the new shed has expressed satisfaction with a well constructed new building, and has written a letter of support to the town on our behalf.
- 7) The variance will increase value in our neighborhood. The old dilapidated shed was both an ugly eyesore and a potential public safety hazard. The shed was falling down due to decades of neglect and invasive elm roots that had compromised its foundation. The new building is safe, clean, and useful for storage so that neighbors will enjoy a tidier property on their street.

Heather Alvarez

From: Tim Stubbs <testubbs@gmail.com>
Sent: Wednesday, November 9, 2022 1:47 PM
To: Heather Alvarez
Subject: 422 Grand variance appeal documentation for Board of Appeals
Attachments: Invoice_1031_from_New_Life_Property_Management.pdf; Invoice_1051_from_New_Life_Property_Management.pdf; Invoice_1028_from_New_Life_Property_Management.pdf; Invoice_1040_from_New_Life_Property_Management.pdf; Stubbs - Remodeling_building Contract.pdf

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Heather,

This is the first of several emails containing documentation for our upcoming public hearing.

Enclosed are the contract with and four invoices from our building contractor. We were never informed of a need for building permits or setback issues.

Tim

New Life Property Management

326 Walnut St
Mancos, CO 81328 US
+1 9707693941
nick@newlifepropertymanagement.us
www.newlifepropertymanagement.us



INVOICE

BILL TO
Tim Stubbs
422 Grand Ave
Mancos, CO 81328

INVOICE **1031**
DATE **06/05/2022**
TERMS **Net 30**
DUE DATE **06/19/2022**

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Construction Labor	All labor involved with framing, coordination, and general carpentry.	1	1,978.00	1,978.00
Material Goods	All framing materials - 2x8's, 2x4's, screws, bracing, etc.	1	2,919.64	2,919.64

Thank you!

BALANCE DUE

\$4,897.64

We also accept checks, Venmo, Paypal, or ACH Direct Deposit:

- Checks - Please mail to address below
- Venmo - @Newlifemanagement
- Paypal - nick@newlifepropertymanagement.us
- ACH Direct Deposit
 - Account #: 90613001
 - Routing #: 102104927

New Life Property Management

326 Walnut St
Mancos, CO 81328 US
+1 9707693941
nick@newlifepropertymanagement.us
www.newlifepropertymanagement.us



INVOICE

BILL TO
Tim Stubbs
422 Grand Ave
Mancos, CO 81328

INVOICE 1051
DATE 07/25/2022
TERMS Net 30
DUE DATE 08/24/2022

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Material Goods	All material goods for project - see PDF report for details.	1	2,194.25	2,194.25
Labor	All labor for project - see PDF report for details.	1	1,077.55	1,077.55
Subcontractor	All subcontractors for project - see PDF report for details.	1	1,980.30	1,980.30

Thank you!

BALANCE DUE

\$5,252.10

New Life Property Management

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nick@newlifepropertymanagement.us
www.newlifepropertymanagement.us



INVOICE

BILL TO
Tim Stubbs
422 Grand Ave
Mancos, CO 81328

INVOICE **1028**
DATE **05/22/2022**
TERMS **Net 30**
DUE DATE **06/21/2022**

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Material Goods	Construction Materials - Rebar, wire ties, J hooks, forms, concrete stakes, screws, concrete, edger, bull float rental, demo saw rental.	1	1,512.74	1,512.74
Construction Labor	All Labor - demo, coordination, clean up, etc.	1	2,725.50	2,725.50
Subcontractor	All Subcontractors - Excavation and gravel, carpentry/concrete work.	1	3,680.24	3,680.24
Construction Work Advance	Work Advance	1	-3,000.00	-3,000.00

Thank you!

BALANCE DUE

\$4,918.48

We also accept checks, Venmo, Paypal, or ACH Direct Deposit.

Checks - Please mail to address below
Venmo - @Newlifemanagement
Paypal - nick@newlifepropertymanagment.us
ACH Direct Deposit:
- Account #: 90613001
- Routing #: 102104927

New Life Property Management

326 Walnut St
Mancos, CO 81328 US
+1 9707693941
nick@newlifepropertymanagement.us
www.newlifepropertymanagement.us



INVOICE

BILL TO
Tim Stubbs
422 Grand Ave
Mancos, CO 81328

INVOICE **1040**
DATE **06/27/2022**
TERMS **Net 30**
DUE DATE **07/27/2022**

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Construction Labor	Includes all coordination and general labor - See attached report.	1	8,121.30	8,121.30
Subcontractor	Excavation - See attached PDF receipts and report.	1	230.00	230.00
Material Goods	All materials - see attached PDF receipts and report.	1	3,036.94	3,036.94

Thank you!

BALANCE DUE

\$11,388.24

We also accept checks, Venmo, Paypal, or ACH Direct Deposit:

Checks - Please mail to address below
Venmo - @Newlifemanagement
Paypal - nick@newlifepropertymanagment.us
ACH Direct Deposit:
- Account #: 90613001
- Routing #: 102104927

Remodeling/Construction Contract

This **Remodeling/Construction Contract** (hereinafter referred to as the “Contract”) is entered into as of **May 10, 2022** by and between **New Life Property Management, LLC**, with a mailing address of **326 S Walnut St, Mancos, CO 81328** (hereinafter referred to as the “Contractor”) and **Tim Stubbs**, with a mailing address of **422 Grand Ave, Mancos, CO 81328** (hereinafter referred to as the “Customer”), collectively referred to as the “Parties”, both of whom agree to be bound by this Contract.

1. **Remodeling/Building Services.** The Customer wishes to obtain the Contractor’s services (hereinafter referred to as the “Services”) to perform the following work:

Demolition, site prep, and reconstruction of shed on NW corner of property, with compacted gravel pad and carport. See Appendix A (client provided – 05/07/2022).

Sill, foundation stabilization, and drainage work on NW corner of home. See Appendix B (client provided – 05/07/2022).

Work as needed as indicated by the client.

The Services are to be performed at the following address:

422 Grand Ave, Mancos, CO 81328 (hereinafter referred to as the “Property”).

1. **Changes in the Services.** The Customer may request reasonable changes to the Services described in Section 1. Any changes to the Services must be in writing and signed by both the Contractor and the Customer. The Customer agrees that any changes to the Services may result in additional charges and extend the Remodeling Schedule described in Section 3.
2. **Remodeling/Construction Schedule.** The Contractor will complete the Services in accordance with the following schedule. The Customer agrees that all dates are subject to change if they request any changes or additions to the Services. The completion date is further subject to weather conditions.

Start Date: 05/10/2022

Substantial (_%) Completion Date: NA

area of the Property. All debris will be removed from job site as needed and taken to the landfill.

4. **Liability Waiver.** If the Contractor, any of their employees, contractors, agents, or the like are injured in the course of performing the Services, the Client is exempt from liability for those injuries to the fullest extent allowed by law.

5. **Termination.**

1. **By Customer.** The Customer can terminate the Contract by giving written notice:

- a. if the Contractor commits any material breach of this Contract and fails to correct the breach within 30 days of notice of the breach; or
- b. if there is any repeated failure by the Contractor to provide the Services of an acceptable standard and to the reasonable satisfaction of the Customer.

1. **By Contractor.** The Contractor can terminate the Contract by giving written notice:

0. if the Customer fails to make the payments required and set forth in Section 4 within 30 days of the required date; or
1. if the Customer commits any other material, non-financial breach and fails to correct the breach within __ days of notice of the breach.

1. **Entire Agreement.** This document reflects the entire agreement between the Parties and reflects a complete understanding of the Parties with respect to the subject matter. This Contract supersedes all prior written and oral representations. The Contract may not be amended, altered or supplemented except in writing signed by both the Contractor and the Customer.
2. **Dispute Resolution and Legal Fees.** In the event of a dispute arising out of this Contract that cannot be resolved by mutual agreement, the Parties agree to engage in mediation. If the matter cannot be resolved through mediation and legal action ensues, the successful party will be entitled to its legal fees, including, but not limited to attorneys' fees.
3. **Severability.** In the event that any provision of this Contract is deemed invalid or unenforceable, in whole or in part, that part shall be severed from the remainder of the Contract and all other provisions should continue in full force and effect as valid and enforceable.

Appendix A:

422 Grand - rebuild of shed in northwest corner of lot

- Rebuild current shed

We would like to use the existing footprint and rebuild the current collapsing shed on the northwest corner of the lot. This will require some strategic demolition of the existing structure, saving as much of the original framing as possible. Elm roots on north and east sides will need to be removed.

We would like to save some of the old weathered sheeting boards.

We would like the new structure to be similar board and batten in appearance, perhaps with a corrugated metal skirt at base. We would like a door on the southern end of the east side. Eventually we would like to use this new structure for storage and a workshop, with future potential of finishing with drywall and floor. We would also like to eventually add a small greenhouse or shed to southern end.

- Add carport to east of shed

Is it possible to add a tall carport to the east side of the shed? We would like to create alley access through a gate, and a space to park a camper van.

Appendix B:

422 Grand - northwest exterior 04/2022

- Repair sill under north wall in northwest corner of house.

Original stone foundation looks solid. But top mortar has turned to sand in some areas. And over a century of soil accumulation and moisture has caused rot in sill.

The sill under the bathroom is rotten, and floor joists have separated and slipped.

Area needs some excavation, probably under bedroom and west facing wall of pantry as well. Replace/stabilize sill.

Inspect for termites.

Will this require jacking up the house? If so, should we remove two windows beforehand?

Remove bathroom fixtures?

Once sill is replaced and stabilized, foundation needs to be sealed up. Concrete apron?

Corrugated metal? Leave access panel for plumbing.

Also want to look around corner at northern end of western wall- there are gaps in foundation here.

Once foundation under bathroom is stabilized, then bathroom plumbing and remodel can be addressed. (We will hire plumbers. Bathroom remodel is on future wishlist, after foundation work complete.)

- French drain to keep moisture away from northwest corner of house

Area will need more excavation.

Apricot tree must be protected. Chokecherry tree protect or relocate if possible.

We would like to minimize impact to yard from machinery as much as possible.

We have some river cobble stone available (can calculate approximate volume).

What should top surface be? Stone? Pavers?

Can drain be extended to north side of cellar access? These stairs are getting inundated with snowmelt. If concrete work happens for foundation, we should also look at these stairs.

If heavy machinery brought in for excavation, can elm roots around shed be removed? There is also an elm stump against house beside cellar door access, but roots likely in foundation and

machine removal may not be advised.

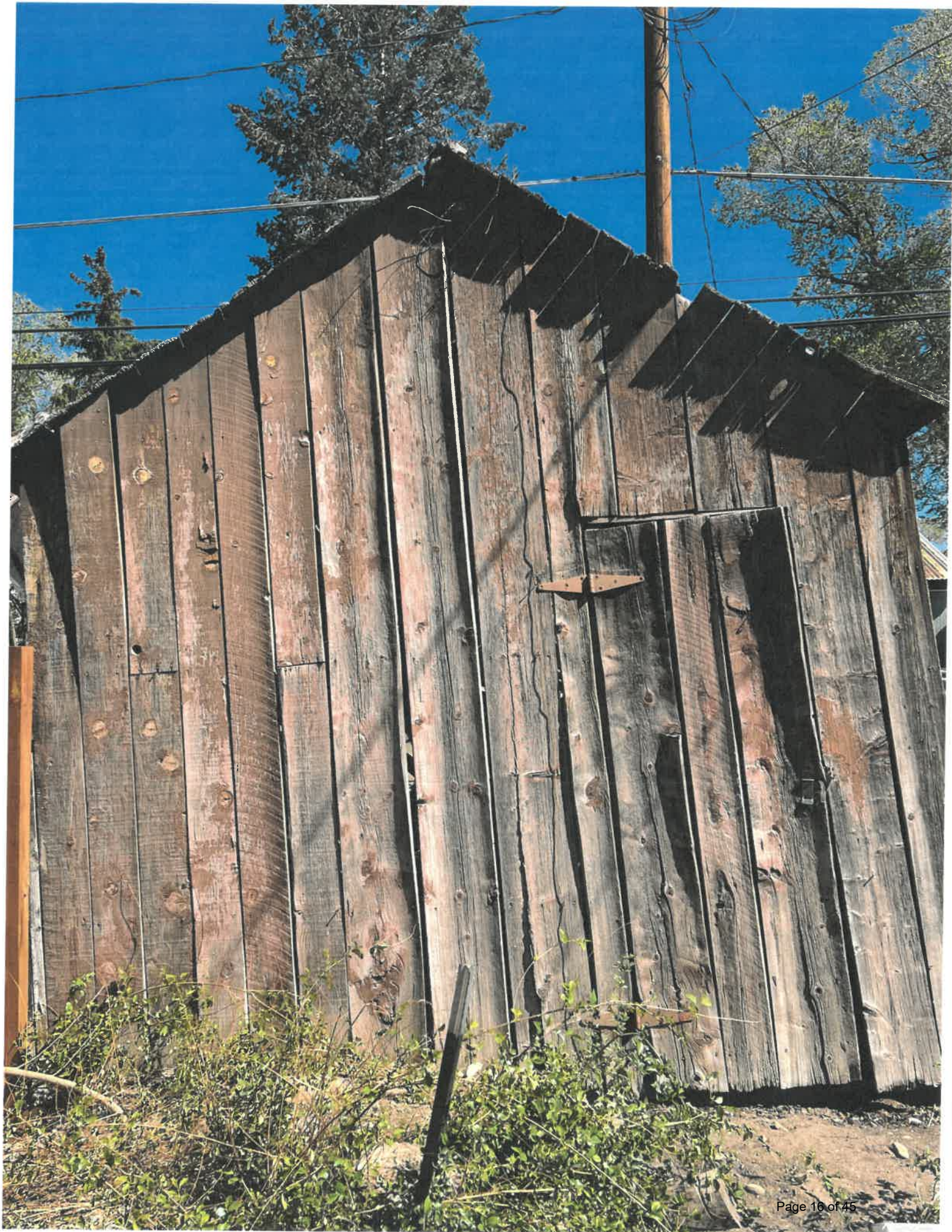
Heather Alvarez

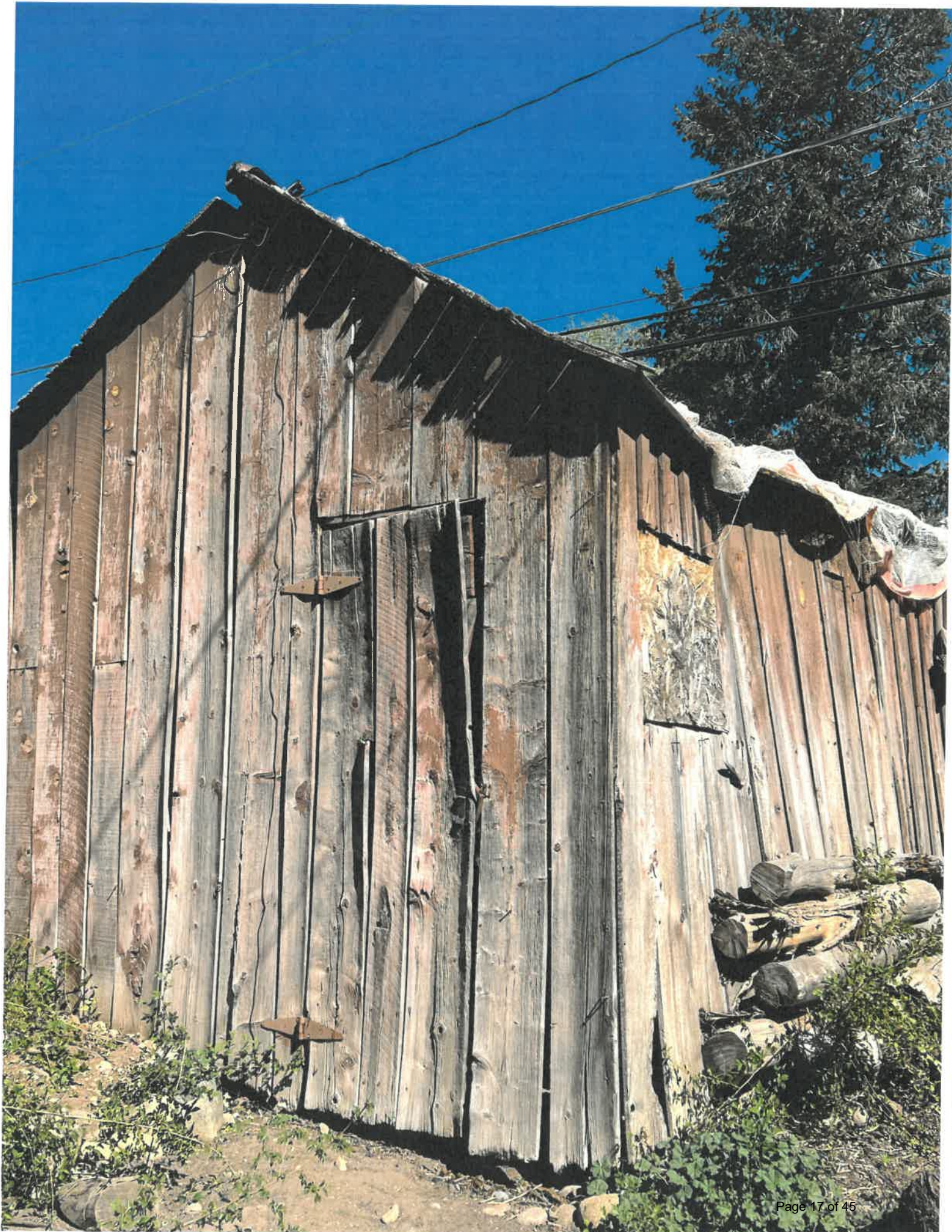
From: Tim Stubbs <testubbs@gmail.com>
Sent: Wednesday, November 9, 2022 1:49 PM
To: Heather Alvarez
Subject: 422 Grand Ave photos of old shed for public hearing
Attachments: old shed 2.jpg; old shed 1.jpg; old shed and trees 2.JPG; old shed and trees 1.JPG

Heather,

Here are four photos of the old 200 sqft shed on the corner of our lot to be shared with the board of appeals.

Tim









Heather Alvarez

From: Tim Stubbs <testubbs@gmail.com>
Sent: Wednesday, November 9, 2022 1:50 PM
To: Heather Alvarez
Subject: 422 Grand photos of new construction
Attachments: new shed interior north.jpg; new shed interior south.jpg; new shed and carport.jpg

Heather,

Here are a few photos of the new construction.

Tim







Heather Alvarez

From: Tim Stubbs <testubbs@gmail.com>
Sent: Wednesday, November 9, 2022 1:53 PM
To: Heather Alvarez
Subject: 422 Grand Ave alley structures
Attachments: alley looking east from 422Grand.JPG; 200-600 blocks Mancos.png

Heather,

Here are a couple more images to be shared with the board of appeals.

One is a view from our alley looking east, showing other non compliant structures.

The other image is a screenshot of Mancos GIS, showing the 200-600 blocks, and other properties with structures built on the property line.

Tim





STAFF REPORT

To: Board of Adjustments & Appeals
From: Heather Alvarez, Town Administrator
Date: November 16, 2022
Re: Variance Request at 422 Grand Ave., Mancos, CO

Background/Discussion

Tim Stubbs and Shani Winer, owners of 422 Grand Ave, Mancos, CO submitted a request for a variance on September 16, 2022. This request was denied by the Zoning Administrator. They requested this decision be appealed to the Board of Adjustments and Appeals.

Correspondence between the Town of Mancos and this property owner and his designees regarding this project dates back to 2018. There is extensive correspondence available, and all information will be brought to the public hearing.

In summary, in July, 2022 it was noticed that a new structure was being constructed at this location. The property owner was contacted and advised that they were in violation of the Town's Municipal Code because they were building without a permit and the current construction was in violation of the Side Interior and Rear property line setbacks required by Mancos Municipal Code 16-4-10.

In August, 2022 the property owner dropped off a building permit application at Town Hall. After review by SAFEbuilt, our land use consulting company, and the Zoning Administrator, it was determined that the proposed project does not meet the setbacks required by the Town of Mancos Land Use Code and the building must be removed.

On September 16, 2022, the property owner dropped off a variance application at Town Hall. After review, the Zoning Administrator denied this request for a variance based on Mancos Municipal Code 16-19-8 which states a variance ***“may be approved only where, due to special physical site conditions, a literal enforcement of the provisions of this LUC would result in unnecessary hardship such that the parcel cannot be appropriately developed”*** and ***“such unnecessary hardship has not been created by the applicant.”***

Neither of these apply to this property because:

1. Nothing in the physical site conditions prohibits adherence to setback requirements outlined in the Mancos Land Use Code
2. The property owner was advised as far back as 2018 that additional information was required in order to move forward with his project. The most recent notification was in February 2022 where, again, the Town advised a building permit application would be required and all current land use code requirements, including setbacks, would need to be met in order for a building permit to be issued.
3. A building permit application was not submitted and approved prior to the start of construction.

4. The footprint of the existing building was expanded during construction to include a carport.
5. The alleged breakdown in communication between the property owner and his representative is outside of the Town's responsibility.

The property owner is contesting and appealing the Zoning Administrator's decision to the Board of Appeals and Adjustments.

On October 14, 2022, the property owner was advised that the Public Hearing was set for today. He was also notified that if he wished to include written information in the meeting packet for the Board of Adjustments, he could submit that information to us. That information has been included for your review.

Attachments

Building Permit Applications & SAFEbuilt Review Comments

Email from SAFEbuilt dated 8/24/2022

Email to Tim Stubbs dated 8/24/2022

Variance Application

Proof of Publication for Public Hearing

Recommendation

After public hearing, deny the request for a variance at 422 Grand Ave., Mancos, CO and order that the building be removed within 30 days of this hearing

Town of Mancos — Zoning Development and Building Permit Application

Return this application to the Zoning Administrator with the \$65.00 filing fee. If the applicant is not the property owner, an Agent Letter must be submitted along with this application.

1. APPLICANT SHALL COMPLETE: Email: testubbs@gmail.com
Tim Stubbs PO Box 213 Mancos 970 533-9023

Property owner: SELF Mailing address: _____ Phone: _____

Contractor: 422 Grand Ave Mancos Mailing address: _____ Phone: _____

Subject property street address: _____

Legal description; or attached
residence and storage out buildings

Existing use(s) — Please list all current uses on the site
storage _____ 200

Proposed use(s) Proposed no. of dwelling units Proposed square footage
 _____ 14' 200

Lot size (SF) Proposed building height Proposed lot coverage No. off-street parking spaces

Access: _____ Driveway width: _____ Min. Lot Area: _____

Sidewalk: width: _____ length: _____ Type of outdoor lighting: _____

Trees/Landscaping: _____ Mineral rights notification (Section 16-18-9): _____

Is the proposed building site adjacent to or across the street from a single-family dwelling or property zoned for a single-family dwelling? _____ [If yes, compliance with the Land Use Code compatibility standards, is required.]

Proposed Setbacks: Front _____ Side _____ Rear _____

I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of Town and State codes applicable to the proposed development, any and all conditions placed upon the proposed development by the Board of Trustees and all information requested by this document. I also understand that, if I violate any applicable provisions of Town and/or State codes, I may be required to remedy such violation through appropriate legal process imposed by the Town, including moving or removing structures and ceasing of construction and/or uses.

[Signature] 8/18/2022
 Signature of Applicant Date

2. APPLICANT SHALL ATTACH:

Two (2) copies of a complete, SCALED and DIMENSIONED site and access plan or plat showing the existing and proposed buildings or structures in sufficient detail to demonstrate that the proposed construction, reconstruction or conversion, moving and/or alternation conforms with the applicable provisions of this Code. The site plan shall be used to create a permanent record and must present all information clearly.

3. ZONING ADMINISTRATOR SHALL verify compliance with the Land Use Code (initial to indicate approval):

Application completeness: _____ (IF INCOMPLETE, RETURN APPLICATION TO APPLICANT)

Zoning: _____ Special Use Permit #: _____

Floodplain Development Permit #: _____ Board of Adjustment Resolution #: _____

List conditions of approval, or Attached: _____

Should a building permit application be considered? YES _____ NO _____

Comments: _____

Signature of Zoning Administrator Date

4. ZONING ADMINISTRATOR AND BUILDING OFFICIAL SHALL:

Verify compliance with Codes (initial to indicate approval):

Use: _____ Height: _____ Setbacks: _____

Access: _____ Driveway width: _____ Parking spaces: _____

Lot Coverage: _____ Min. lot area: _____ Compatibility: _____

Sidewalk: _____ Outdoor lighting: _____ Trees & landscaping: _____

Mineral rights notification: _____

Water supply: _____ Sanitation: _____

5. STREETS IMPACT FEE REQUIREMENTS:

Impact fee price approved by Town Administrator: \$ _____

Town Administrator's signature approving the impact fee price:

Signature of Town Administrator Date

a. What type of fee applies? Residential: _____
Non-Residential: _____

b. How was this fee computed?

Fee schedule in Section 16-16-4 _____
Independent traffic study applied to 16-16-5 _____

c. If an independent traffic study was conducted and the fee price approved by the fee administrator based on this study, attach two (2) copies of the traffic study and fee calculation to this permit and file.

6. WATER & SEWER TAPS: (Payable by separate check)

FEES

WATER	¾" tap	\$ 5935 -	Existing Tap? Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$5,723.00	
SEWER	4" tap	\$5,723.00	Existing Tap? Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$ 5935 -	
Meter installation & Materials			actual costs

Taps larger than the standard sizes referenced above will be issued on a case by case basis. Please see Zoning Administrator for further information.

7. CONSTRUCTION INFORMATION (attach complete construction plans):

Proposed Use of Building _____
Lot No. _____ Block No. _____ Subdivision: _____
Owner's Name _____
Present Address _____ Phone _____
General Contractor _____
Electrical Contractor _____
Plumbing Contractor _____
Address of Building _____

(Building Inspector will assign address for new construction on vacant property)

Class of Work: Mobile Home New Construction Addition Alteration


Has lot been surveyed recently? Yes No

Total Project Value (materials & labor) \$ _____

9. SIGNATURE

Applicant agrees to pay the streets impact and water/sewer tap fees prior to issuance of a building permit and may hereby be issued this development permit pursuant to that commitment. Failure to pay these fees shown above will result in the Town not issuing the building permit for the proposed development until the fee is paid in full. If this permit is approved and issued, Applicant does hereby agree to comply with all statutes, Town ordinances and all adopted building codes which apply to the proposed construction. Applicant understands that this permit is void if construction is not started within 90 days or completed within one year.

SIGNATURE OF APPLICANT:

 8/8/22
Name _____ Date _____

Building Permit Fees

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,223.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours.....\$47.00 per hour*
(minimum charge – two hours)
2. Re-inspection fees assessed under provisions of Section 305.8.....\$47.00 per hour*
3. Inspections for which no fee is specifically indicated.....\$47.00 per hour*
(minimum charge – one half hour)
4. Additional plan review required by changes, additions or revisions to plat.....\$47.00 per hour*
(minimum charge – one half hour)
5. For use of outside consultants for application review plan checking and inspections or both.....Actual costs**

6. Demolition fees are based on the value of the actual demolition and dumping fees. All hazardous materials encountered to be disposed of in the proper manner. Testing for hazardous materials might be required as necessary.

* Or the total hourly costs to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

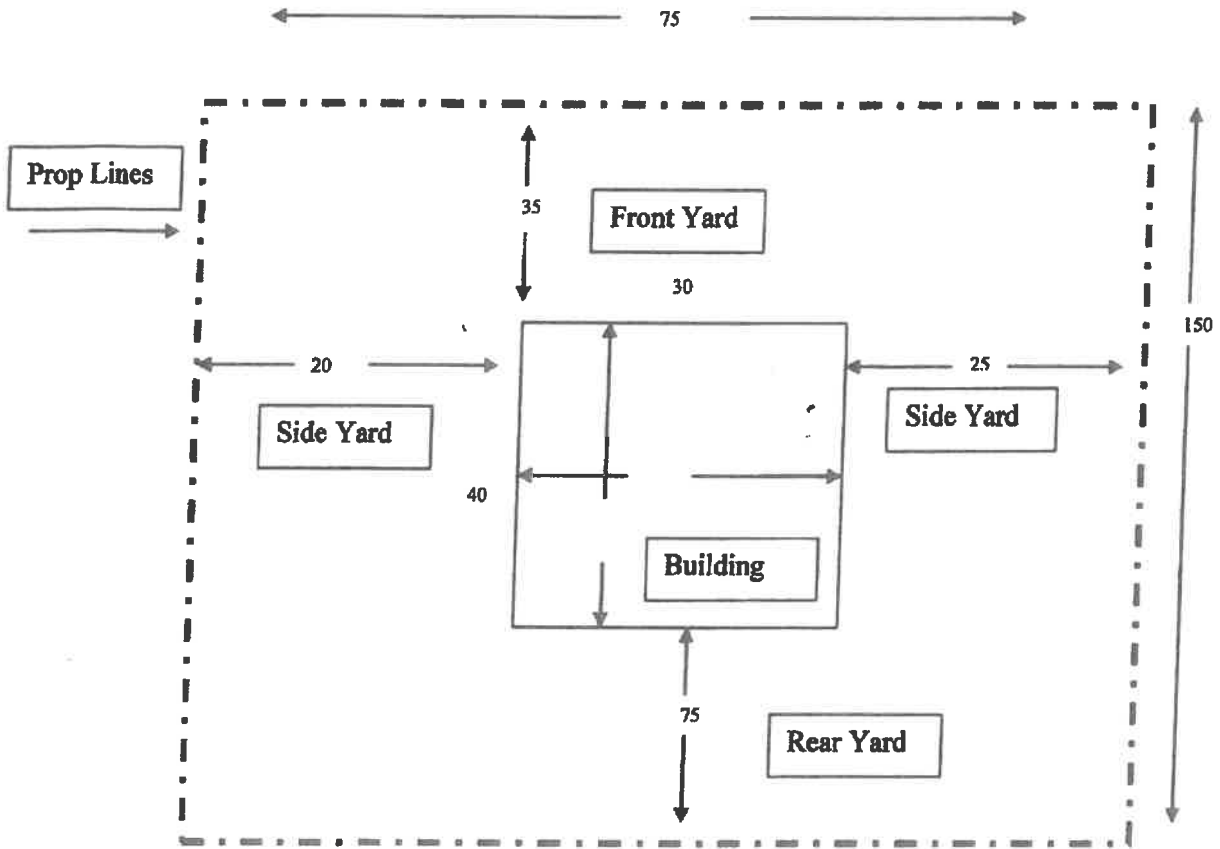
** Actual costs include administrative and overhead costs.

Internal Use Only

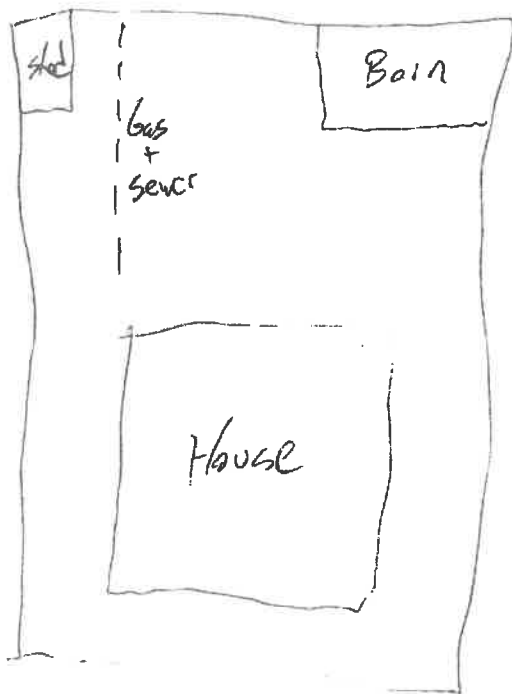
Zoning	Setbacks	Water Tap Fee \$
Construction	Fire Insp.	Sewer Tap Fee \$
Valuation	SAFEbuilt/Bldg. Permit Fee \$	Streets Impact Fee \$
Approved	Plumbing & Electrical Permits N/A – State Permits Required	Demolition Fee \$
Date	Gas Insp. Fee \$	Project Fee Total \$

Indicate North on drawing. Indicate street side and name of street.

SAMPLE SITE PLAN



422 Grand Ave



Historic shed on northwest corner of property, 10' x 20'

Buried gas and sewer lines east of shed, parking area on top.

Old shed was leaning due to extensive network of elm roots.

Elm roots removed from site, shed rebuilt on historic footprint. Carpet added to east over parking area and buried utility lines.

TO: Tim Stubbs
FROM: Alex Hufft - SAFEbuilt Studio
DATE: August 8, 2022
RE: Accessory Structure at 422 Grand Ave.

REVIEW COMMENTS FOR APPLICANT

Please review comments below and provide a response to all comments with your resubmittal

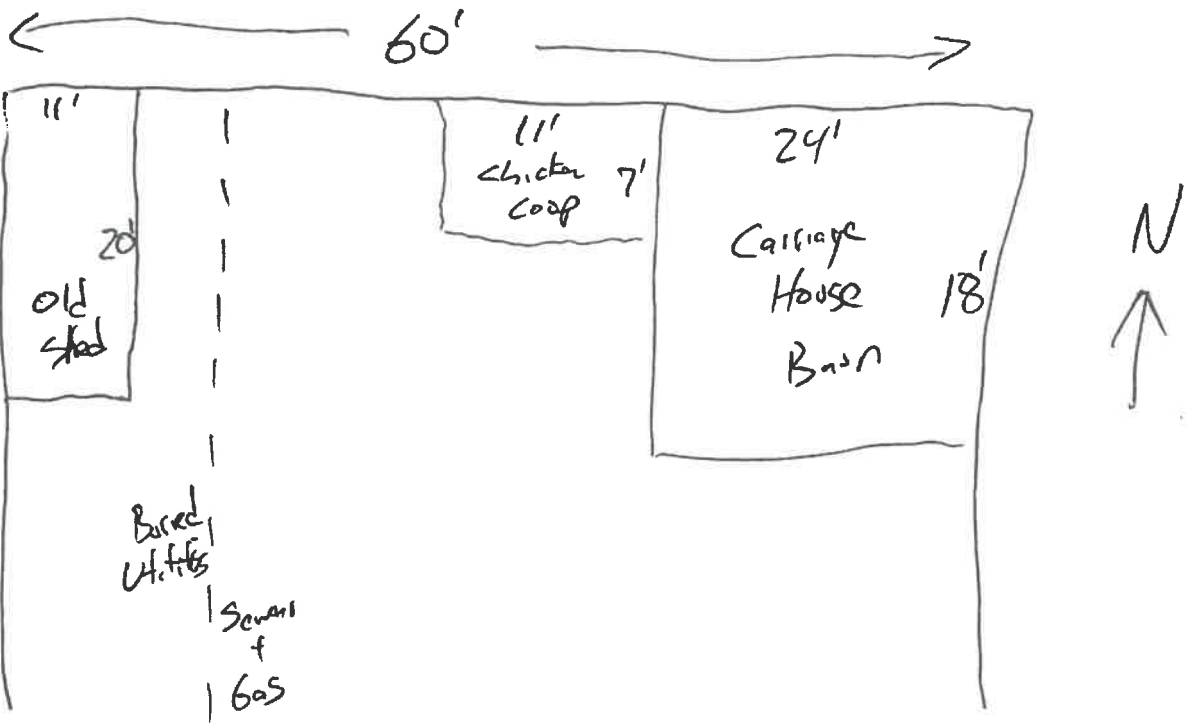
- Please label lot dimensions.
- A carport is mentioned in the application letter, please be sure to show ALL existing/proposed structures on the site plan.
- Please label on site plan all setbacks for accessory structure. The setback standards for the accessory structure are in the table below.
- Please provide architectural elevations of proposed structure.

Please note the following key to interpret the provided table, which outlines the review and compliance with the municipal code.

Y	Element is in substantial compliance with standards
N	Does not comply with the standards
	Requires additional submittal information

PROJECT INFO: Shed at 422 Grand Ave., Mancos

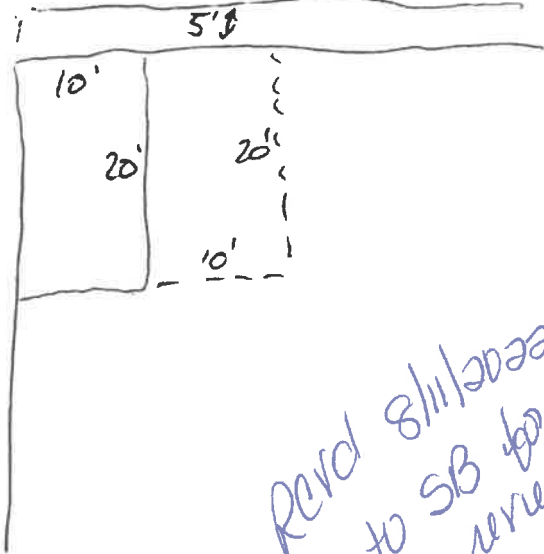
		Required/Allowed	Proposed	Substantial Compliance
Zoning - SFR				
Setbacks	Front	25'	?	?
	Rear	5' (Sec. 16-4-10(d)(2b))	?	?
	Side – interior	5' (Sec. 16-4-10(d)(2b))	?	?
Building Size		Greater of 600 sq./ft or 1/3 the size of primary structure	200 sq./ft	Y
Height	Maximum Height	20'	14'	Y



Old shed on NW corner of property 11' x 20'
 → was leaning due to elm roots underneath

Buried utility lines running from house north to alley, immediately east of old shed. Area used for vehicle parking

Shed rebuilt, 10' x 20', carport added over parking



~~shed~~ shed height 14'
 Carport height 13'

Both 5' from alley property line

Reval shulbasa to SB for review

TO: Tim Stubbs
FROM: Alex Hufft - SAFEbuilt Studio
DATE: August 17, 2022
RE: Accessory Structure at 422 Grand Ave.

REVIEW COMMENTS FOR APPLICANT

Please review comments below and provide a response to all comments with your resubmittal

- Please label lot dimensions.
- Please provide architectural elevations of proposed structure.
- Accessory structures must be set back 5 feet from side property lines.
- Please provide distance from accessory structure to front of property.

Please note the following key to interpret the provided table, which outlines the review and compliance with the municipal code.

Y	Element is in substantial compliance with standards
N	Does not comply with the standards
	Requires additional submittal information

PROJECT INFO: Shed at 422 Grand Ave., Mancos

		Required/ Allowed	Proposed	Substantial Compliance
Zoning - SFR				
Setbacks	Front	25'	?	?
	Rear	5' (Sec. 16-4-10(d)(2b))	5'	Y
	Side – interior	5' (Sec. 16-4-10(d)(2b))	?	?
Building Size		Greater of 600 sq./ft or 1/3 the size of primary structure	200 sq./ft	Y
Height	Maximum Height	20'	14'	Y

Heather Alvarez

From: Alex Hufft <ahufft@safebuilt.com>
Sent: Wednesday, August 24, 2022 11:27 AM
To: Heather Alvarez
Cc: Travis Reynolds
Subject: FW: Site Plan Review
Attachments: 422 Grand Ave - Review 2 (002).pdf

Heather,

I wanted to forward this email below that I received from Mr. Stubbs this morning. While I can understand his frustration, unfortunately the shed should've been put on hold until he spoke to the city. If he had evidence that he rebuilt the shed exactly like it was originally with no modifications to footprint, then it would continue to be considered legally nonconforming. However, it seems he made modifications with the car port and therefore that option is no longer viable. He is asking for a variance; however he has already created an unnecessary hardship for himself by going ahead and rebuilding the shed without any proper permits or review, so I don't believe a variance will be applicable in this case.

Please let me know if you'd like me to reach out, but since he has been in this discussion with you I believe it'd be best for you to continue to be the contact.

Let me know if you have any questions.

Alex Hufft (he/him)
Planner | SAFEbuilt Studio | 303.868.4178

SAFEbuilt.

From: Tim Stubbs <testubbs@gmail.com>
Sent: Wednesday, August 24, 2022 8:00 AM
To: Alex Hufft <ahufft@safebuilt.com>
Subject: Fwd: Site Plan Review

Good morning Alex,

I wanted to reach out to you directly for some guidance on this issue regarding our property in Mancos.

Last winter, I spent months trying to reach the local Mancos building inspector with some questions regarding an old shed on the corner of our lot. I had no response to phone calls or emails. Learning that he also owned a local contractor business, I left several voicemails on his business line, but still received no response. At that point I emailed the town administrator, Heather Alvarez. She responded that she was unavailable for a month and would have the building inspector call my contractor; while I appreciated the response, I had not provided contact information for a builder.

My original question regarded an old 11'x20' shed on the northwest corner of the property. Our house dates to 1898, and a large old carriage house sits on the northwest corner of the property. I would estimate that the smaller shed was contemporary with the carriage house based on similar materials and construction style. Immediately east of this shed lie buried gas and sewer lines. I was trying to ask how to preserve the structure, or at least preserve the footprint, as moving it would impact the utility lines.

With no guidance from the town, I began this summer trying to stabilize the old shed, one wall at a time. I found that invasive elm roots had infiltrated underneath the structure, lifting up the walls. Seeing no other option, I disassembled the building, saving the old wood, in order to excavate and remove the elm roots. With considerable cost and labor I built a new shed.

Now the town is threatening that the structure must be torn down.

I don't know how to proceed in this. Where was the town of Mancos when I was seeking guidance? I feel as though I am being made an example of, and do not understand why I am being singled out. On my block alone I see several examples of structures having been recently built directly on the alley or side property lines. All over town, one can see similar examples.

I was not aware that I was doing anything wrong. Is there an option for a variance to meet code? I feel as I had no option in that corner of the lot other than to use the historic building footprint due to the utility right of way.

Thank you for your time.

The most recent email from the town is below.

Tim Stubbs
970-533-9023

Begin forwarded message:

From: Heather Alvarez <halvarez@mancoscolorado.com>
Date: August 23, 2022 at 1:30:15 PM MDT
To: Tim Stubbs <testubbs@gmail.com>
Subject: Site Plan Review

Dear Tim,

Attached is an updated request for additional information regarding the construction of the sheds at your property located at 422 Grand Ave. Please review and let me know if you have any questions.

At this time, it does not appear that the Town will be able to grant permission for the construction of the sheds. I did drive by the property, and it appears that the existing building was removed as the concrete foundation and all of the framing/walls are new. The new building does need to comply with current land use code language and setbacks, and a valid building permit is required.

If you would like to send a site plan with a narrative outlining exactly what has been done on this property, I am happy to review the information to decide next steps. Otherwise, the new building and foundation will need to be removed.

I will hold this information until August 31, 2022 to give you time to decide how you wish to proceed.

Thank you,

Heather Alvarez
Town Administrator
Town of Mancos
P.O. Box 487
Mancos, CO 81328
(970) 533-7725 Phone
(970) 533-7727 Fax
www.mancoscolorado.com
Gateway to Mesa Verde®

Heather Alvarez

From: Heather Alvarez
Sent: Wednesday, August 24, 2022 11:58 AM
To: Tim Stubbs
Subject: RE: 422 Grand site plan

Follow Up Flag: Follow up
Due By: Wednesday, August 31, 2022 4:00 PM
Flag Status: Flagged

Dear Tim,

I received your email and your voice mail. I also received a copy of the email you sent to SAFEbuilt.

While I do understand your frustration, unfortunately, the shed should have been put on hold until you obtained a building permit from the Town. If you had evidence that the shed was rebuilt exactly like it was originally with no modification to footprint, then it would continue to be considered legally non-conforming. However, it seems modifications were made with the car port, therefore this option is no longer viable.

We did correspond with you via email on 12/13/2018, 8/6/2019 and 2/16/2022 on this subject. We also corresponded with Nick Manning regarding this topic based on your email on 2/14/2022 advising that you were working with him and Swain Scales. Swain Scales also called and spoke with Georgette in February 2022, and he was advised at that time that a building permit was required.

SAFEbuilt let me know that you would like to request a variance on this project. At this time, we are unable to consider a variance because construction is underway without a valid building permit.

At this point, we have two options to move forward:

1. The current, illegal structure needs to be removed, the Town needs to receive an updated building permit application with a site plan. The site plan must meet the land use code requirements in effect today.
2. Alternatively, the current, illegal structure needs to be removed. You may then apply to the Planning Commission and the Board of Trustees for a variance. Their decision will dictate next steps to this process.

Again, we do understand your frustration with the process, however we also must follow the regulations outlined in the Mancos Municipal Code.

Please let me know your decision with regard to the two options above by August 31, 2022.

Sincerely,

Heather Alvarez
Town Administrator
Town of Mancos
P.O. Box 487
Mancos, CO 81328
(970) 533-7725 Phone
(970) 533-7727 Fax
www.mancoscolorado.com



For Internal Purposes Only (initial)
 Application Fee paid: 9/10/2008
 Public Hearing Held: _____ Date: _____
 Approved: _____ Date: _____

Variance Request Form

Variations (Mancos Land Use Code Sec. 16-9-8) are deviations or modifications of height, yard, area and lot coverage and parking regulations of the applicable zone district where due to special physical site conditions, a literal enforcement of the provisions of this Land Use Code would result in unnecessary hardship. Variance or modification of the dimensional standards may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification. The development proposed cannot be contrary to the public interest. A variance request may not be made to change the uses permitted in a zone district.

There is a review/filing fee of \$260.00, which must be paid prior to review. The Town will not process incomplete applications, which includes payment of the required fee. Mancos LUC Sec. 16-18-4.

Applicant Contact Information¹

Name: Tim Stubbs and Shari Winer Business Name: _____
 Address: PO Box 213 Mancos CO 81328
 Phone: 970 533-9023 Email: testubbs@gmail.com

Affected Property Information

Street Address: 422 Grand Ave Mancos CO 81328
Street Address Apartment/Unit # City/State/Zip

Legal Description of Affected Property (ex. Lots 6, 7, and the South 1/2 of Lot 3, West 60 feet of South 1/2 of Lot 4, West 60 feet of Lot 5 and Lot 8, Block 20, OLD SURVEY, MANCOS, CO):
Bavel's Block 1 Lot 3

Attach three copies of a site plan and all other information necessary to clearly demonstrate eligibility for the requested variance based upon the following:

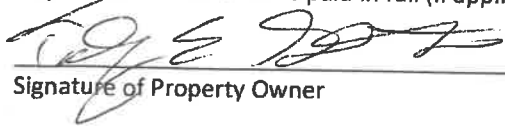
- (1) The proposed use is a permitted use in the underlying zone district;
- (2) There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zone district;
- (3) Such unnecessary hardship has not been created by the applicant;
- (4) The variance is necessary to permit the applicant the same rights in the use of the property that are enjoyed under this LUC by other properties in the vicinity and zone, but which are denied to the subject property;
- (5) The variance will not adversely affect the land use pattern as outlined by the Future Development Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town;
- (6) The variance will have no significant adverse impact on the health, safety or general welfare of the surrounding property owners or the general public; and
- (7) The variance will not cause injury to the use, enjoyment, or value of property in the vicinity.

SEE BACK-REMEMBER TO SIGN THIS APPLICATION

¹ If applicant is not the property owner of record, an Agent Letter must be submitted along with the application. Page 41 of 45

I, Tim Stubbs

swear that the information included herein is accurate, to the best of my estimation. I understand that no application shall be considered complete, and shall not be reviewed, until the application is complete, any inspection or review fee is paid in full (if applicable), and public hearing notice requirements (if applicable) have been fulfilled.



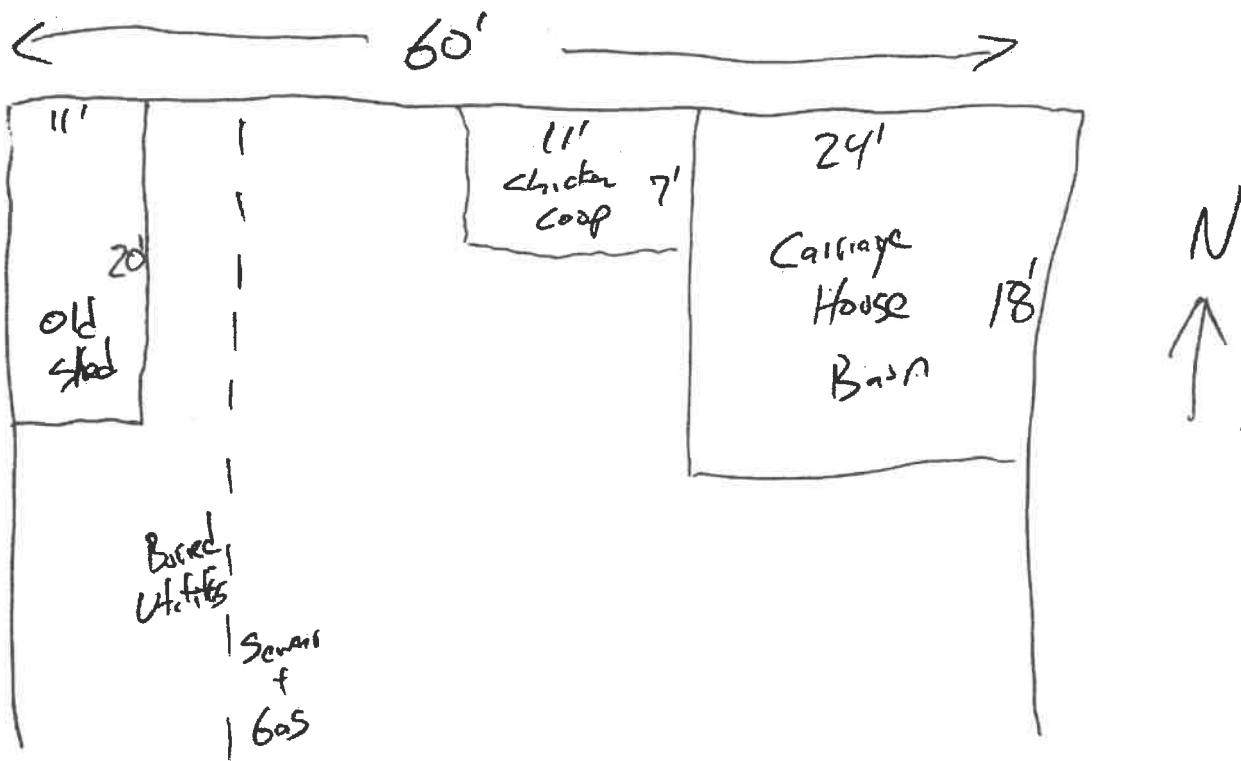
Signature of Property Owner

9/15/2022

Date

We are asking for a setback variance for our shed and carport. The shed was rebuilt in the same footprint as an old historic shed. The attached carport was added and built over a parking area and buried utility lines.

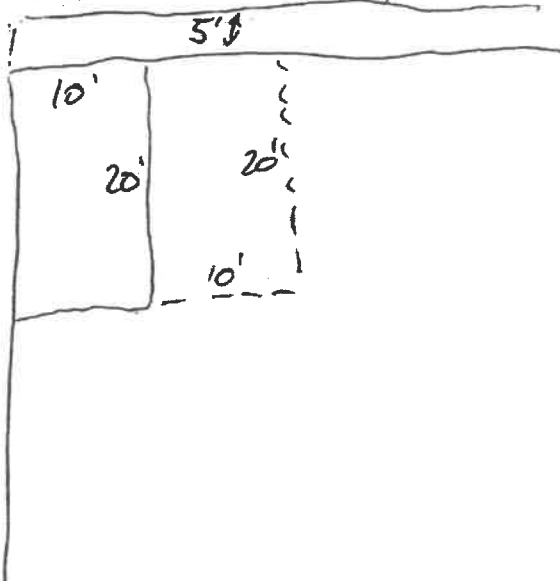
We request that Planning and Zoning and Board of Adjustments and Appeals consider our case. We can provide more information at that time.



Old shed on NW corner of property 11' x 20'
 → was leaning due to elm roots underneath

Buried utility lines running from house north to alley,
 immediately east of old shed. Area used for
 vehicle parking

Shed rebuilt, 10' x 20', carpet added over parking,



~~shed~~ shed height 14'
 Carpet height 13'

Both 5' from
 alley property line

BALLANTINE

COMMUNICATIONS

Campaign No. 10466
 Today's Date 18 Oct 2022
 P.O. Number
 Sales Rep Tamara Desrosiers

THIS IS A QUOTE FOR APPROVAL, NOT A FINAL BILL.

bill-to

Town Of Mancos
 P.O. Box 487
 Mancos, CO 81328
 Tel: 970 533-7725
 Account No: 100528

advertiser

Town Of Mancos
 P.O. Box 487
 Mancos, CO 81328
 Tel: 970 533-7725
 Account No: 100528

campaign summary

Description Public Hearing Appeal Variance Denial 422
 Grand Ave.
 Start Date 10/26/2022
 End Date 10/26/2022
 Currency

cost summary

Base Amount \$69.93
 Adjustments \$0.00
 Gross Amount \$69.93
 Agency Commission \$0.00
 Net Amount \$69.93
 Estimated Tax \$0.00
Total \$69.93

Pre-Payment Details

Pre-Payment Amount	Pre-Payment Date	Pre-Payment Card No.
--------------------	------------------	----------------------

No Pre-Payments on this order

print lines

Line No.	Product	Description	Issue / Run Date	Quantity	Rate	Adjusted Rate	Amount
21109	The Journal	TJ Private Legal	10/26/2022	1	69.93	69.93	69.93

10466
Public Notice
NOTICE of PUBLIC HEARING

Before the
Town of Mancos
Board of Adjustments &
Appeals

Notice is hereby given that on November 16, 2022 at 2:00 p.m., or as soon as possible thereafter, in Mancos Town

Line No.	Product	Description	Issue / Run Date	Quantity	Rate	Adjusted Rate	Amount
		<p>Hall, 117 N. Main, Mancos, Colorado, or at such other place and time as the hearing may adjourn to, a Public Hearing will be held for:</p> <p>Appeal of the denial of a variance permit for 422 Grand Ave., Mancos, CO 81328</p> <p>Additional information is available from Mancos Town Hall and available to the public for inspection. For questions or comments, please contact Town Hall, 117 N. Main, Mancos, CO. All interested parties are encouraged to attend or mail in comments to The Town of Mancos, P.O. Box 487, Mancos, CO 81328. The Town will be accepting comments up to the date and time of the public hearing.</p> <p>Published in The Journal October 26, 2022 by order of Heather Alvarez, Town Administrator</p>					

digital lines							
Line No.	Product	Description	Start	End	Quantity	Rate	Amount
-- No Line Items --							

other lines							
Line No.	Product	Description	Start	End	Quantity	Rate	Amount
21110	TJ Adpay/4C Marketplace Online	Class Liner Non-Recruitment	10/26/2022	10/26/2022	1	0.00	0.00