

**TOWN OF MOUNTAIN VILLAGE
SPECIAL DESIGN REVIEW BOARD MEETING
THURSDAY AUGUST 8, 2019 10:00 AM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA**

	Time	Min.	Presenter	Type	
1.	10:00		Chair		Call to Order
2.	10:00	45	Starr	Public Hearing Quasi-Judicial	Consideration of a Design Review Process Application for a design variation to 17.3.4F(2), Single Family Accessory Uses, to allow a fence in the front yard on Lot 102, 710 Mountain Village Boulevard (continued from the August 1, regular DRB meeting)
3.	10:45				Adjourn

Please note that this Agenda is subject to change. (Times are approximate and subject to change)
455 Mountain Village Blvd., Suite A, Mountain Village, Colorado 81435
Phone: (970) 369-8242 Fax: (970) 728-4342

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Town Hall at the above numbers or email: cd@mtnvillage.org. We would appreciate it if you would contact us at least 48 hours in advance of the scheduled event so arrangements can be made to locate requested auxiliary aid(s).



PLANNING & DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

DATE: August 7, 2019
TO: Design Review Board
FROM: Sam Starr, Planner
FOR: DRB Special Public Hearing on August 8th, 2019
RE: Consideration of a Design Review Process Application for a design variation to 17.3.4F(2), Single Family Accessory Uses, to allow a fence in the front yard on Lot 102, 710 Mountain Village Boulevard – continued from August 1, 2019

PROJECT GEOGRAPHY

Legal Description: Lot 102, Telluride Mountain Village Filing 1, according to Plat Book 1 Page 476.
Address: 710 Mountain Village Boulevard
Applicant/Agent: Landscapes by Lance
Owner: Cloud 9 Investments, a Texas LLC.
Zoning: Single-Family
Existing Use: Single-Family
Lot Size: .59 Acres
Adjacent Land Uses:

- **North:** Single-Family
- **South:** Single-Family
- **East:** Single-Family
- **West:** Single-Family

ATTACHMENTS

- Exhibit A: Narrative
- Exhibit B: Proposed Fencing Location
- Exhibit C: Proposed Fence
- Exhibit D: Public Comment
- Exhibit E: Retaining wall approval Letter and Plan (existing approval)
- Exhibit F: Additional Photos provided by the applicant

BACKGROUND

Lot 102 is bounded by Mountain Village Boulevard on both the eastern and western portions of their property. Applicants are seeking to place a fence and vegetative screening on the east portion of their lot for safety and trespassing prevention purposes. Staff has determined that the

east portion of their lot is the front yard evidenced by the driveway and primary building entrance.

The Community Development Code (CDC) is clear that all homes within the Single-Family Zone District should place all accessory structures and uses in the rear yard to the extent practicable. Accordingly, staff has elevated this to Design Review Board level review to allow the DRB to deliberate on the specific design approval sought by the applicant and homeowner. During the August 1, 2019 Design Review Board, the DRB voted 7-0 to continue this item exactly one week so that the applicant could provide more photographic and design materials.

PRIOR APPROVALS

The DRB requested staff to provide any prior approvals for the property. On January 9th, 2008, the Architect of Record for the design and construction of this home submitted a class 2 minor revisions application for the landscaping plan to include two retaining walls for the purpose of slope stabilization. Town of Mountain Village Planner Rebecca Mossige issued an approval along with the Design Review Board chairman for this application on January 15th, 2008. Both the letter and plan are included as “Exhibit D” with this application packet.

RELEVANT CODE SECTIONS

17.3.4 SPECIFIC ZONE DISTRICT REQUIREMENTS

(***)

Single Family Zone District Accessory Buildings or Structures.

Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, gazebos, art, ski tramways approved pursuant to the Conditional Use Permit Process, outdoor kitchens, play equipment, fire pits, tennis courts and typical court fencing, ice skating rinks approved pursuant to the Conditional Use Permit Process, fenced dog areas, and similar uses. Storage buildings are expressly prohibited, except the DRB may approve a trash and recycling bin storage building at the end of a driveway longer than 100 feet provided such is designed in accordance with the Design Regulations.

- a. All accessory buildings or structures shall be located in the rear yard to the extent practical.
- b. Accessory buildings or structures shall not exceed 500 sq. ft. in size or floor area, as applicable.
- c. Design requirements applicable to accessory dwelling units are in the Single-Family zone district.
- d. Buffering is provided for high activity level buildings or structures, such as hot tubs, swimming pools and tennis courts to mitigate the adverse visual and noise impacts.

Staff note: The specific design variation requests the accessory structure (fence) be placed in the front yard.

17.4.11 DESIGN REVIEW PROCESS

(***)

Design Variation Process

- a. The DRB may grant design variations to the following Design Regulations sections:
 - i. Building siting design;
 - ii. Grading and drainage design;
 - iii. Building design;

- iv. Landscaping regulations;
 - v. Trash, recycling and storage areas;
 - vi. Lighting regulations;
 - vii. Sign regulations; and
 - viii. Commercial, ground level and plaza area regulations.
- b. A design variation request shall be processed concurrently with the applicable Design Review Process development application.
 - c. A design variation request shall outline the specific variations requested and include the section number.
 - d. A design variation request shall provide a narrative on how the variation request meets the design variation criteria for decision.
 - e. The following criteria shall be met for the review authority to approve a design variation:
 - i. The design variation is compatible with the design context of the surrounding area;
 - ii. The design variation is consistent with the town design theme;
 - iii. The strict development application of the Design Regulations(s) would prevent the applicant or owner from achieving its intended design objectives for a project;
 - iv. The design variation is the minimum necessary to allow for the achievement of the intended design objectives;
 - v. The design variation is consistent with purpose and intent of the Design Regulations;
 - vi. The design variation does not have an unreasonable negative impact on the surrounding neighborhood; The proposed design variation meets all applicable Town regulations and standards: and
 - vii. The variation supports a design interpretation that embraces nature, recalls the past, interprets our current times, and moves us into the future while respecting the design context of the neighborhood surrounding a site.
 - f. Cost or inconvenience alone shall not be sufficient grounds to grant a design variation.
 - g. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the design variation process.

Staff Note: This application constitutes a complete Design Variation application submittal. The applicants need to demonstrate that submittal material and proposed development substantially comply with the design variation criteria listed above at section e.i-vii.

17.5.9 LANDSCAPING REGULATIONS

(*)**

Walls, Fences and Gates

- a. Walls, fences and gates shall only be used to enclose private spaces, garden areas, dog areas, planting beds or service areas.
 - i. Dog areas shall not be readily visible from a public right-of-way or other public way and shall be proportional to the lot and the home.
- b. Fences or walls shall not be permitted to specifically define lot boundaries.
- c. Fences, walls and gates that restrict deer and elk migration are prohibited.
- d. Walls, fences and gates shall be constructed from stone, stucco, metal or wood to meet the town design theme, and shall require the specific approval of the review authority. To the extent practical, walls shall be constructed to match the exterior material of the adjacent building.
 - i. Beyond fifteen feet (15') from the dwelling, the wall or fence shall be

- constructed so as to not be readily visible, and disappear into the natural landscaping.
- e. Temporary fencing may be used to protect planting beds or gardens from wildlife provided such fencing is not visible from a public way.
 - f. Guardrails required for roads, private access, etc. are also subject to the review authority approval consistent with the town design theme.
 - g. Gates, courtyards and staircases may be used to link buildings and landscape, to create semi-private spaces as transitions into private residences and to create semi-private spaces as compliments to the primary pedestrian streets.
 - h. Gates are not allowed to close driveway or access tract entrances.

Staff Note: The fence does not define the property boundary, does not enclose a dog and private area, and requires specific approval. The applicant should demonstrate that the fence is constructed, “so as to not be readily visible, and disappearing into the natural landscape” with their application.

17.5.4 TOWN DESIGN THEME

- A.** The town design theme is directed at establishing a strong image and sense of place for the community within its mountain setting.
- B.** Mountain Village is located in a fragile, high-alpine environment that contains forests, streams, wetlands and mountainous topography. The natural physical features and setting of the town shall inform the design of our buildings to promote harmony between people and nature that respects and blends with its surroundings and is integrated into the landscape.
- C.** Architecture and landscaping within the town shall be respectful and responsive to the tradition of alpine design and shall reflect sturdy building forms common to alpine regions.
- D.** Architectural expression shall be a blend of influences that visually tie the town to mountain buildings typically found in high alpine environments.
- E.** Architecture within the town will continue to evolve and create a unique mountain vernacular architecture that is influenced by international and regional historical alpine precedents. The Town encourages new compatible design interpretations that embrace nature, recall the past, interpret our current time, and move us into the future while respecting the design context of the neighborhood surrounding a site.
- F.** The key characteristics of the town design theme are:
 - 1. Building siting that is sensitive to the building location, access, views, solar gain, tree preservation, and visual impacts to the existing design context of surrounding neighborhood development.
 - 2. Massing that is simple in form and steps with the natural topography.
 - 3. Grounded bases that are designed to withstand alpine snow conditions.
 - 4. Structure that is expressive of its function to shelter from high snow loads.
 - 5. Materials that are natural and sustainable in stone, wood, and metal.
 - 6. Colors that blend with nature.

Staff Note: The Design Regulations set forth herein are intended to achieve these defining characteristics.

ANALYSIS

The applicant is proposing a rusted steel fence, which is an appropriate material consistent with our fence design standards and Town Design Theme regulations. The siting of the home and lot make this application a unique land use application because the CDC encourages fences to be: in the rear yard, unobtrusive in their design by blending into the natural landscape, and used to

define private spaces and not lot boundaries. The Design Review Board will need to weigh in on the appropriateness of the fence location which is the primary consideration in staff's review. The single-family home poses challenges because the home is on a steep slope with Mountain Village Blvd fronting the rear and the front yard, making the home and associated landscape elements more visible than other single family properties.

STAFF RECOMMENDATION

The DRB can approve, continue, deny or modify the owner's request regarding a design variation to 17.3.4F(2), Single Family Accessory Uses, to allow a fence and screening in the front yard on Lot 102, 710 Mountain Village Boulevard. Staff has provided two alternative motions for your consideration.

Motion for Approval:

"I move to approve the application by Landscapes by Lance for a design variation to 17.3.4F(2), Single Family Accessory Uses, to allow a fence and screening in the front yard on Lot 102, 710 Mountain Village Boulevard with the following findings and conditions:

Findings:

- 1) *The Design Review Board finds that the fence does not define the property boundary, does enclose a dog and private area, and requires specific approval.*
- 2) *The Design Review Board finds that the fence meets the Town Design Theme.*
- 3) *The Design Review Board finds that the proposed application meets the 7 criteria for a design variation approval as outlined in CDC Section 17.4.11(E)5 Design Variation Process.*

Conditions:

- 1) *Applicant will enter into a revocable General Easement Agreement with the Town of Mountain Village for all landscaping elements located in the Town owned General Easements prior to issuance of a development permit. (is this still true?)*

Motion for Denial:

I move to deny the application by Landscapes by Lance for a design variation to 17.3.4F(2), Single Family Accessory Uses, to allow a fence and screening in the front yard on Lot 102, 710 Mountain Village Boulevard with the following findings:

Findings:

- 1) *The Design Review Board finds that the fence requires review of the Design Review Board for a Design Variation approval.*
- 2) *The Design Review Board finds that the proposed fence does not meet the Town Design Theme because it does not fit or respect the context of the neighborhood surrounding this site, design theme F.1.*
- 3) *The Design Review Board finds that the proposed application does not meet the seven criteria for a design variation approval as outlined in CDC Section 17.4.11(E)5 Design Variation Process.*

Hello!

We are requesting that the fence that was previously approved by Dave Bangert before he left be re-approved and built as submitted by Landscapes by Lance.

We have asked for the fence because of safety concerns on multiple fronts and for peace of mind. We have two dogs and a small son and their safety and security is our number one priority. The way that the front of our home is situated it is below street level and therefore our patio, where we are requesting the fence, is as well. However that is not apparent or always seen from the road and has caused an immense amount of trespassing and anguish for us. The patio area is very easily accessible from multiple locations on the street and makes that area of our home extremely vulnerable and unsafe. We have almost daily videos of unleashed dogs running through our yard as well as video and a police report of an attempted break in from some people being able to jump down into the area from the street. Traffic also causes a concern as people driving are more often than not rushing around a blind corner and then speeding back down past our house and not looking for residents. We are constantly waiting at our door to see if we can hear the traffic before being able to let our dogs outside and are concerned for our son when he will want to play outside freely. All of this really should not play such a factor in our daily lives with where we live but unfortunately it does. It also increases greatly during the summer and fall months, as does the foot traffic, which living off of Ridge Trail we are used to this and enjoy the considerate individuals. However, like most everyone we also enjoy having our patio doors open but as we have no way to stop anything from coming into the area it is not safe and very stressful. We should not have to live in this constant state of distress that something or someone will come into our home or property and feel that having tried multiple other options for years unsuccessfully, we have no way to remedy this other than to install a fence. There is plenty of open space surrounding our house that poses no threat or concern for dogs or people that wish to roam. Our only goal with this is to be able to be in our home and have access to and enjoy our patio safely and peacefully.

We are happy to provide any videos or other information needed and appreciate your re-approval and time spent on this matter for our family's safety and security at our home.

REV	DESCRIPTION

PLANT SCHEDULE

	General Forest
	Fence
	Shubs

IRRIGATION LEGEND

	1/2" PIPING
	3/4" PIPING
	1" PIPING
	1 1/2" PIPING
	2" PIPING
	3" PIPING
	4" PIPING
	6" PIPING
	8" PIPING
	10" PIPING
	12" PIPING
	15" PIPING
	18" PIPING
	24" PIPING
	30" PIPING
	36" PIPING
	42" PIPING
	48" PIPING
	54" PIPING
	60" PIPING
	72" PIPING
	84" PIPING
	96" PIPING
	108" PIPING
	120" PIPING

IRRIGATION USE CHART

●	SPRINKLER
■	PIPER
▲	VALVE
□	MANHOLE
○	PIPER
◇	VALVE
▽	MANHOLE
◇	PIPER
▽	VALVE
◇	MANHOLE

UTILITY NOTES

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.

2. ALL UTILITIES SHALL BE DEPTERED AND REINSTALLED AS SHOWN ON THIS PLAN.

3. ALL UTILITIES SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

4. ALL UTILITIES SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

LANDSCAPERS BY: Kelly

710 Mtn. Village Blvd

Lot 102

Permit No. 102

Scale: 1/8" = 1'-0"



*** PLANT SCREENING**

- 15' 5/8" Purple Leaf Plum
- 18' 5/8" Dogwood Redwing

*** Fence Notes**

- Fence Height from Grade 44"
- Fence Can be disassembled
- Fence will be disassembled
- Fence will have shrub planted to soften look.

GENERAL LANDSCAPING NOTES

1. ALL PLANTINGS SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

2. ALL PLANTINGS SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

3. ALL PLANTINGS SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

4. ALL PLANTINGS SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

REVEGETATION NOTES

1. ALL REVEGETATION SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

2. ALL REVEGETATION SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

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4. ALL REVEGETATION SHALL BE INSTALLED AT THE PROPER DEPTER AND SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

UTILITY PLAN

Scale: 1/8" = 1'-0"





Sam Starr

From: Fred Kittler <fkittler@firelakecapital.com>
Sent: Tuesday, July 23, 2019 2:03 PM
To: Sam Starr
Cc: gail kittler
Subject: Lot 102/710 Mtn. Village Blvd. DRB review

Dear Mr. Starr,

I am writing in support of my next door neighbor, who wishes to place a fence and shrubs on his property and within the general easement. Although I did not find any link to his plans at the web link provided, I\we have found that his property improvements have always been very well done, he has done a great deal to preserve the character of Mountain Village, and we support this as a tasteful improvement to the area.

Best regards

Fred and Gail Kittler
702 Mtn. Village Blvd.

Fred Kittler
(650) 796-9969



January 15, 2008

One Architects, Inc
Jodie Wright
PO Box 3442
Telluride, CO 81435

Re: Revision to Final Landscape – Lot 102

Dear Jodie Wright:

The purpose of this correspondence is to serve as notification that the revision to the approved Design Review Board (DRB) plans for Lot 102 received by Staff January 9, 2008, to build a boulder retaining wall below the Mountain Village Blvd on the East side of the house, received DRB Staff/Chair approval on January 10, 2008, with the following conditions:

1. The Applicant will work with Staff on the General Easement Encroachment Agreement language to include a boulder retaining wall in the agreement.
2. All representations of the Applicant, whether within the submittal or at the DRB hearing, are conditions of this approval.
3. Per Section 2-1307 of the Town of Mountain Village Design Regulations, this approval does not allow any violation to the LUO and/or Design Regulations or imply approval of any errors that may be contained in this application that violate the LUO and/or the Design Regulations.

Any additional deviations, modifications or alterations to this approval will require the applicant to submit a new application for review. Failure to obtain approval prior to initiating such change may result in a stop work order being issued on the project and/or a fine.

Please contact me with any concerns you may have regarding this matter.

Sincerely,

Rebecca Mossige
Planner

















29"

