

**TOWN OF MOUNTAIN VILLAGE  
DESIGN REVIEW BOARD REGULAR MEETING  
THURSDAY SEPTEMBER 7, 2017 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.	10:05	5	Haynes	Action	Reading and Approval of Summary of Motions of the August 3, 2017 Design Review Board Meeting
3.	10:05	30	Bangert	Public Hearing, Quasi-Judicial Action	Consideration of a Design Review application for expansion of an existing patio into the General Easement on Lot 1151, 132 High Country.
4.	10:35	30	Bangert	Public Hearing, Quasi-Judicial Action	Consideration of a Design Review application for extension of an existing walking path into the southern General Easement and a patio area with retaining walls into the eastern General Easement on Lot 407R, 134 Hood Park.
5.	11:05				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](mailto: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).

**SUMMARY OF MOTIONS  
TOWN OF MOUNTAIN VILLAGE  
DESIGN REVIEW BOARD MEETING  
THURSDAY, AUGUST 3, 2017**

Agenda Item 2

**Call to Order**

Chairman Banks Brown called the meeting of the Design Review Board of the Town of Mountain Village to order at 10:00 a.m. on Thursday, August 3, 2017 in the Conference Room at 455 Mountain Village Boulevard Mountain Village, CO 81435.

**Attendance**

**The following Board/Alternate members were present and acting:**

Banks Brown  
Keith Brown  
Luke Trujillo  
Phil Evans  
Greer Garner  
David Craige  
Dave Eckman  
Jean Vatter (Alternate)  
Liz Caton (Alternate)

**The following Board members were absent:**

None

**Town Staff in attendance:**

Dave Bangert, Senior Planner/Forester  
Sam Starr, Planner  
Michelle Haynes, Planning & Development Services Director  
Finn Kjome, Public Works Director

**Public in attendance:**

Cath Jett  
Kristine Papar [kristine@shift-architects.com](mailto:kristine@shift-architects.com)  
Larry Lederer [Lederer.hbroofing@gmail.com](mailto:Lederer.hbroofing@gmail.com)  
Paul Hoskinson [phoskinson@cedur.com](mailto:phoskinson@cedur.com)

**Introduction of Michelle Haynes, Planning and Development Services Director**

Michelle Haynes, the new Planning and Development Services Director introduced herself, giving the board a short history of her background. The board welcomed her to the Town of Mountain Village and stated that they were looking forward to working with her.

**Reading and Approval of Summary of Motions of the July 6, 2017 Design Review Board Meeting**

On a **Motion** made by Greer Garner and seconded by Keith Brown, the DRB voted 7-0 to approve the Summary of Motions from the July 6, 2017 Design Review Board Meeting.

The board discussed in general the summary of motions (minutes) that have conditions/recommendations made by the board and asked staff to reflect these conditions/recommendations in the summary of motions in future. Dave Bangert said this would not be a problem, but the board would need to be clear and concise with their directive to staff. The board agreed.

**Consideration of a Design Review application for a single family home on Lot 163RC, 105 Prospect Creek Drive, Final Review**

Dave Bangert presented the Design Review Application for a single family home on Lot 163RC, 105 Prospect Creek Drive for final review. Shift Architects presented on behalf of the owner.

On a **Motion** made by Phil Evans and seconded by Greer Garner, the DRB voted 7-0 to approve a Design Review Application for a single family home on Lot 163RC, 105 Prospect Creek Drive with the following conditions:

1. A monumented land survey shall be prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height. This condition shall be carried over to any Final Review Approval as it is a construction condition.
2. A monumented land survey of the footers will be provided prior to pouring concrete to determine there are no encroachments into the GE. This condition shall be carried over to any Final Review Approval as it is a construction condition.
3. The owners of Lot 163RC will enter in to a revocable General Easement encroachment agreement for the driveway, auto court, and retaining walls and address monument in the northern General Easement.
4. The wetland lines and conservation easement area will be re-established in the field and silt fencing and construction fencing will be placed outside of these lines prior to any disturbance on the site.
5. Access from the driveway to the sewer easement must be reviewed and approved by the Director of Public Works prior to issuance of a building permit.
6. The patio areas on the south side of the house will have buffers placed, either natural plantings or small walls, to impede access to the wetlands from the patios.

**Consideration of a Design Review application for new roofing, that requires specific approval from the DRB, on Lot 601, Unit 5 Knoll Estates**

Chairman Banks Brown recused himself from this item due to a conflict of interest. Vice-Chair Luke Trujillo took over the meeting.

Dave Bangert presented the Consideration of a Class 1 design review application for a change in roof materials requiring specific approval from the DRB on Lot 601, Unit 5. Paul Hoskinson the CeDUR Representative addressed the board.

On a **Motion** made by David Eckman and seconded by Phil Evans, the DRB voted 7-0 to approve the application by Tom Mace/Paul Hoskinson for the use of CeDUR synthetic shake roofing on Lot 601, Unit 5, with the findings and conditions presented at the August 3, 2017 DRB meeting.

**Other Business**

Chairman Bank Brown requested a work session with the board and staff on the issue of General Easements. The Chairman will confer with staff regarding a date and time.

**Adjourn**

On a **Motion** made by Banks Brown and seconded by David Eckman DRB voted 7-0 to adjourn the August 3, 2017 meeting of the Mountain Village Design Review Board at 11:36 a.m.

Respectfully Submitted,

Dave Bangert  
Senior Planner/Forester



**PLANNING & DEVELOPMENT SERVICES**

455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

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**TO:** Design Review Board

**FROM:** Dave Bangert, Senior Planner/Town Forester

**FOR:** DRB Meeting on September 7, 2017

**DATE:** August 28, 2017

**RE:** Consideration of a Design Review Application for the extension of existing patio area and retaining wall into the western General Easement, new exterior lighting of walkway, new address monument, new walkway from front entrance to new patio area on Lot 1151.

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**APPLICATION OVERVIEW:**

The purpose and intent of this memo is to have the Design Review Board review and evaluate the proposed new patio area and retaining wall extending into the General Easement (GE) on Lot 1151.

**PROJECT GEOGRAPHY**

**Legal Description:** Lot 1151, Telluride Mountain Village  
**Address:** 132 High Country  
**Applicant/Agent:** Beth Bailis/Caribou Design  
**Owner:** John and Liz Raese  
**Zoning:** Single Family  
**Existing Use:** Single Family  
**Lot Area:** 0.513 acres

**Adjacent Land Uses:**

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

**ATTACHMENTS**

- Exhibit A: Applicant narrative
- Exhibit B: Topographic survey
- Exhibit C: Landscape plans
- Exhibit D: Prior General Easement agreements

**BACKGROUND**

The owner's representative, Beth Bailis, has submitted a Design Review application in accordance with the Community Development Code (CDC). The applicant is proposing the extension of an existing patio area into the western General Easement. The existing patio area is comprised of concrete slab with stone veneer which will be replaced and snow melted as part of this project. There is a proposed gas fire pit on this section of the patio that does not

encroach into the GE. The proposed new patio area will be sand set stone where it encroaches into the GE. There is a proposed boulder retaining wall in the western GE to the west of the proposed patio area. The applicant is also proposing new exterior lighting of the front entry walk way and a new address monument in the current location. There are two existing General Easement encroachments agreements for Lot 1151. These agreements allow for landscaping, fill, retaining walls and a stone walk way. Staff concludes that the proposed new encroachments are an extension of the previous approvals in the General Easements and will not adversely affect any surrounding properties as these new encroachments boarder Open Space. The Public Works Department has no issues with the additional encroachments into the GE and has no future plans to use these GE's.

**ANALYSIS OF RELEVANT CODE SECTIONS**

**17.3.14 General Easement Setbacks**

C. All general easement setbacks or other setbacks shall be maintained in a natural, undisturbed state to provide buffering to surrounding land uses and to maintain the ability to conduct any of the general easement allowed uses.

D. All above- and below-grade structures or structural components (soil nailing, etc.), earth disturbance, or ground level site development such as walks, hardscape, terraces and patios shall be located outside of the general easement setback or other setbacks on each lot within the allowable building area of a lot.

E. The following development activities are permitted in the general easement setback or other setbacks subject to the applicable review process and Design Regulations:

1. Review authority approved accessways for direct access, including driveways, walkways, and ski trails and ski lifts for ski area access.
  - a. Accessway impacts to the general easement shall be minimized to the extent practical, such as a perpendicular crossing of the easement setback area.
  - b. Accessways shall not exceed the minimum Town standards for construction, such as the minimum width.
2. Utilities;
  - a. To the extent practical, all utilities shall follow a driveway alignment.
3. Address monuments;
4. Natural landscaping without any man-made materials or hardscape;
5. Fire mitigation and forestry management without substantial earthwork;
6. Construction staging provided:
  - a. The area proposed for such staging is devoid of naturally occurring trees or other naturally occurring vegetation; or
  - b. The DRB is approving disturbance in the general easement for another proposed improvement such as a driveway, utility cut, or skier access, and the area can be used for staging until the approved improvement is constructed; and
7. Other uses as provided for in the definition of general easement.

F. The DRB may waive the general easement setback or other setbacks and allow for prohibited activities provided:

1. The applicant has demonstrated that avoiding grading and disturbance in the general easement setback would create a hardship, and there is not a practicable alternative that allows for reasonable use of the lot;
2. The disturbance in the general easement setback is due to natural features of the site, such as steep slopes, wetlands and streams;
3. No unreasonable negative impacts result to the surrounding properties;

4. The general easement setback or other setback will be revegetated and landscaped in a natural state;
5. The Public Works Department has approved the permanent above-grade and below-grade improvements;
6. The applicant will enter into an encroachment agreement with the Town with the form and substance prescribed by the Town; and
7. Encroachments into the general easement setback or other setbacks are mitigated by appropriate landscaping, buffering and other measures directly related to mitigating the encroachment impacts.

### **STAFF ANALYSIS**

The applicant is proposing at grade encroachments that can be removed if ever needed. At grade encroachments will not cause any negative impacts to surrounding properties. The public works department found no issue with the proposed GE encroachment.

### **STAFF RECOMMENDATION**

Staff recommends approval the General Easement encroachment proposed by the applicant, Beth Bailis, on Lot 1151 with the following motion:

*"I move to approve the application by Beth Bailis to extend an existing patio area and retaining wall into the western GE with a new General Easement encroachment agreement, with a new Improvement Location Certificate, between the owner of Lot 1151 and the Town of Mountain Village".*

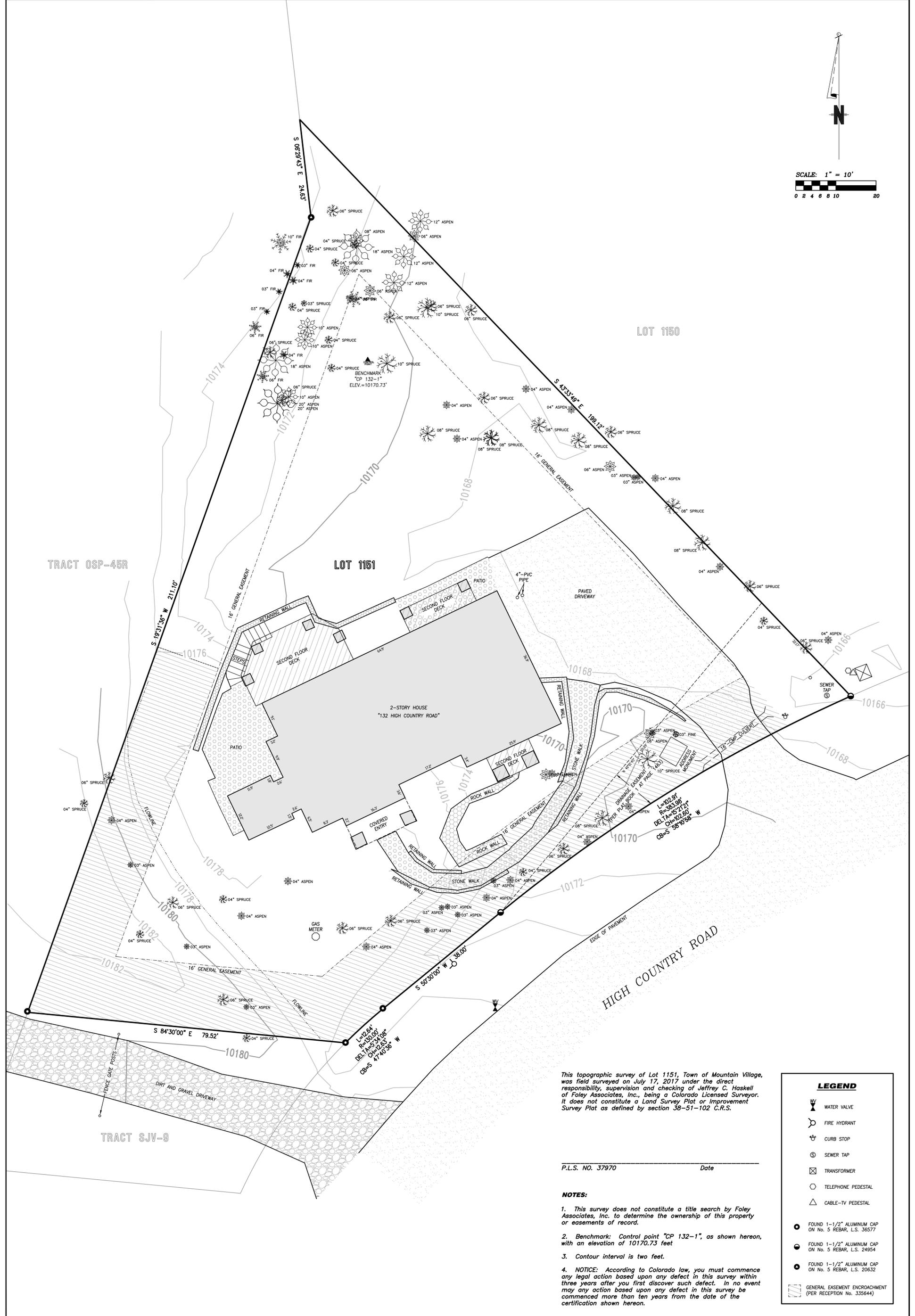
Lot 1151 Minor Revision, Landscape Plan  
Date: 8/16/17  
Narrative

The owners of lot 1151 would like the Board to consider the attached application for an updated landscape plan with the intention of creating more usable outdoor living space while improving the existing transition to the ski run. There is an existing patio on the west side of the home adjacent to the ski run. This application proposes enlarging this hardscape patio space made of stone on slab with a hot tub, fire pit, and bbq area. All of this expansion lies within the property and free of GE easement. The proposed plan raises the patio grade 2 steps (12-14") as it nears the ski run to better tie into the higher grade of the ski run. There is a smaller transitional area of patio made up of stones set on grade with no structural elements, that lies within the general easement between the structural patio and the ski run. The intention of this space is to create a better grade transition and improved walking connection to the ski run.

Thank you for your consideration.



SCALE: 1" = 10'  
 0 2 4 6 8 10 20



This topographic survey of Lot 1151, Town of Mountain Village, was field surveyed on July 17, 2017 under the direct responsibility, supervision and checking of Jeffrey C. Haskell of Foley Associates, Inc., being a Colorado Licensed Surveyor. It does not constitute a Land Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.S.

P.L.S. NO. 37970 \_\_\_\_\_ Date \_\_\_\_\_

- NOTES:**
- This survey does not constitute a title search by Foley Associates, Inc. to determine the ownership of this property or easements of record.
  - Benchmark: Control point "CP 132-1", as shown hereon, with an elevation of 10170.73 feet
  - Contour interval is two feet.
  - NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first 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 the certification shown hereon.

LEGEND	
	WATER VALVE
	FIRE HYDRANT
	CURB STOP
	SEWER TAP
	TRANSFORMER
	TELEPHONE PEDESTAL
	CABLE-TV PEDESTAL
	FOUND 1-1/2" ALUMINUM CAP ON No. 5 REBAR, L.S. 36577
	FOUND 1-1/2" ALUMINUM CAP ON No. 5 REBAR, L.S. 24954
	FOUND 1-1/2" ALUMINUM CAP ON No. 5 REBAR, L.S. 20632
	GENERAL EASEMENT ENCROACHMENT (PER RECEPTION No. 335644)

**Topographic Survey**  
 Lot 1151, Town of Mountain Village,  
 San Miguel County, Colorado.

Project Mgr:	JH
Technician:	MC
Checked by:	
Start date:	07/17/2017



970-728-6153 970-728-6050 Fax  
 P.O. BOX 1385  
 125 W. PACIFIC, SUITE B-1  
 TELLURIDE, COLORADO 81435

F:\04 W\Jobs\CAD\98091 TOPO trees 07-17.dwg 7/25/2017 2:21:54 PM PCS





1151 Minor Revision  
132 High Country

Snowmelt Summary

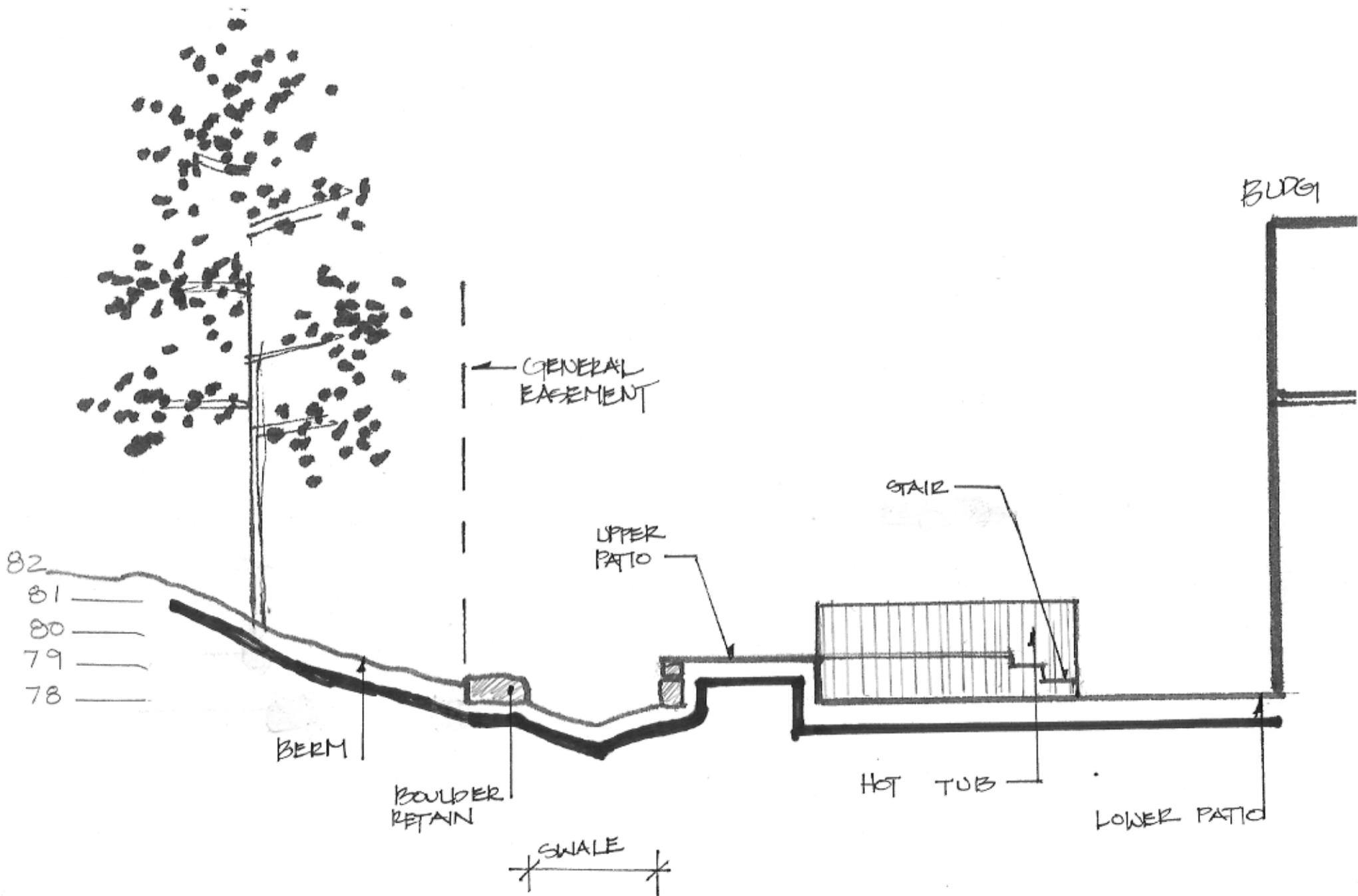
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Existing Snowmelt

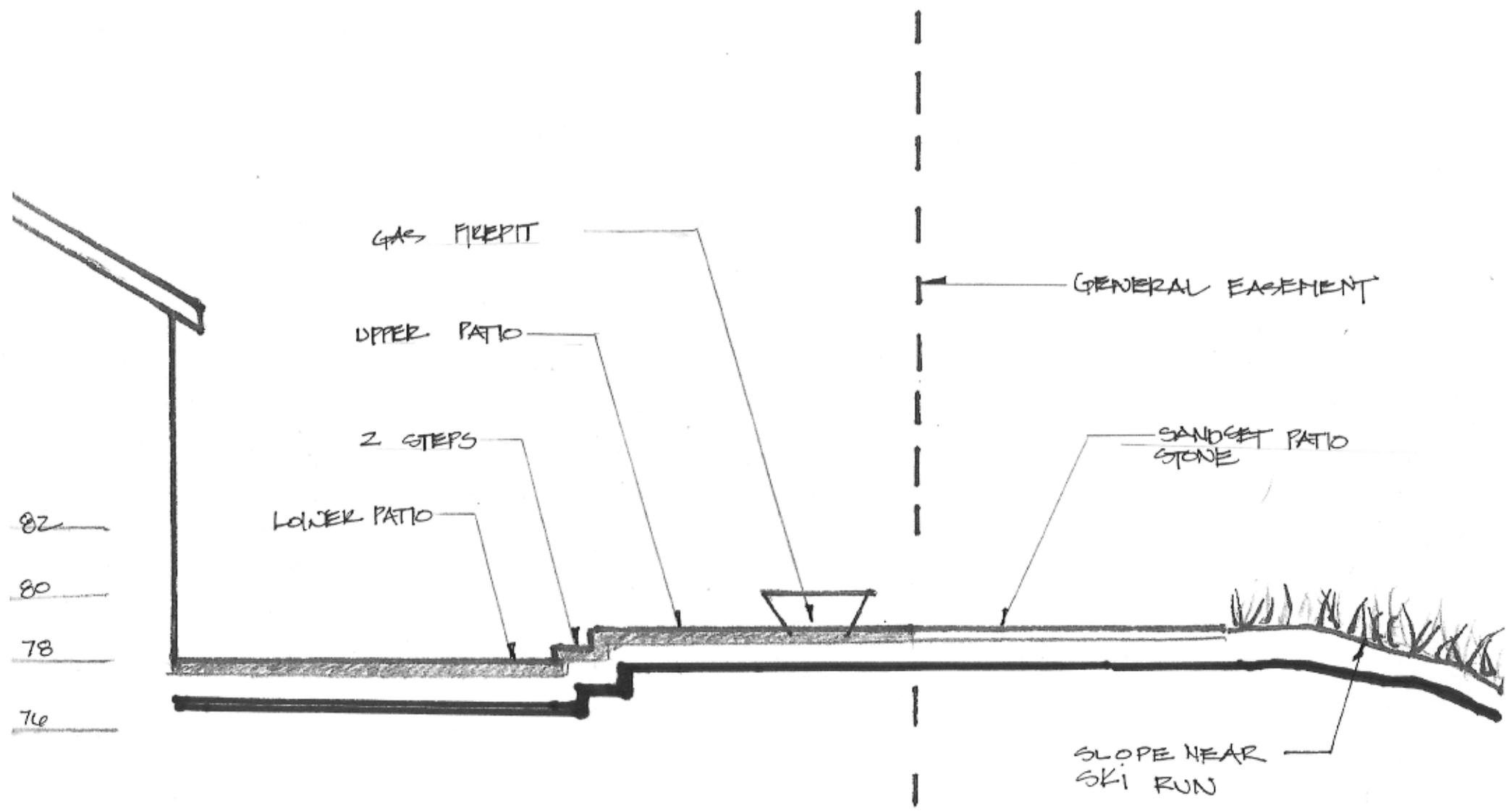
Front walkway	550 SF
North Patio	448 SF
Total	998 SF

Proposed New Snowmelt

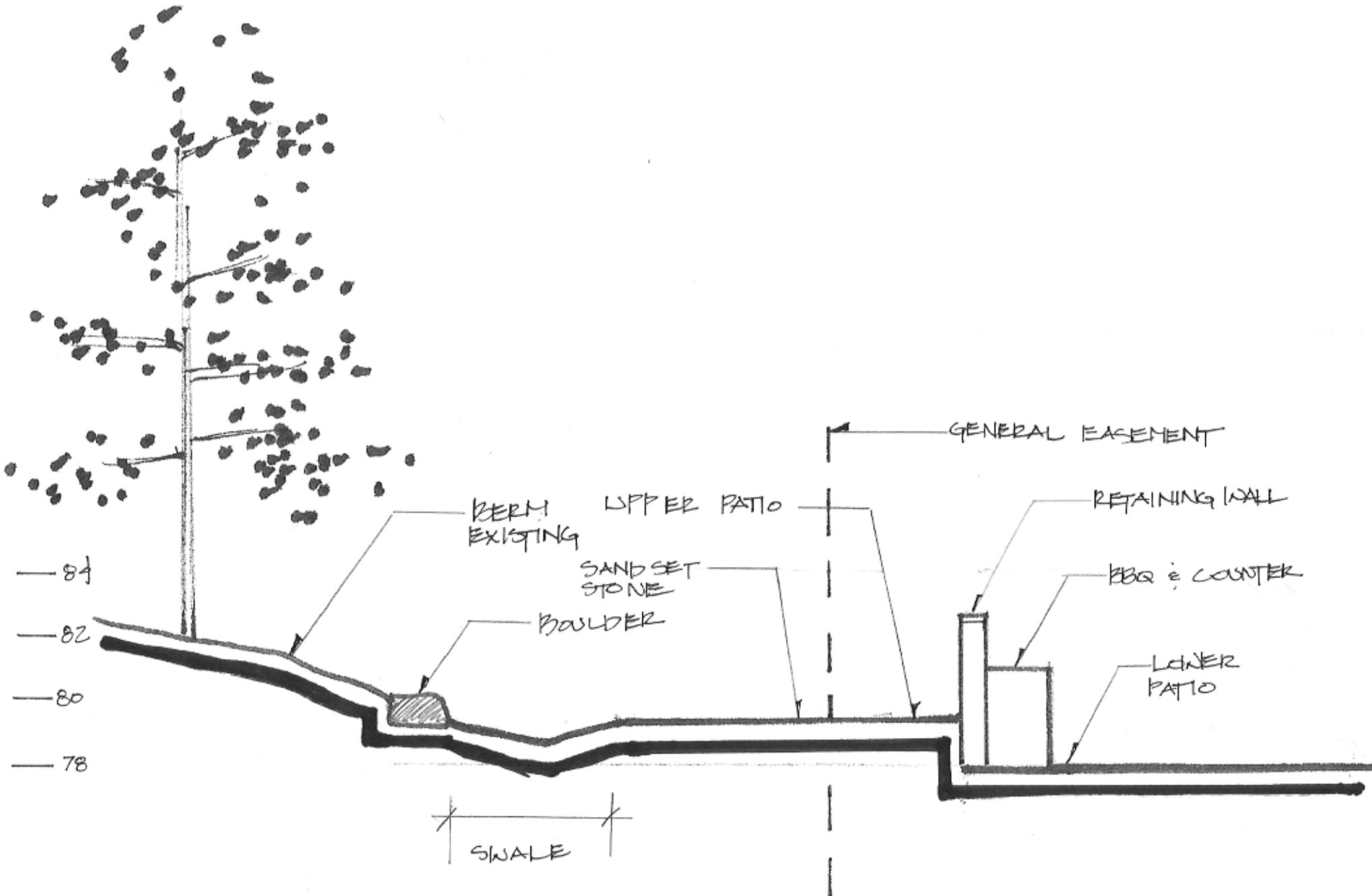
Garage Apron	504 SF	
Front Door	80 SF	
North Patio	255 SF	(703-448 existing)
Total	839 SF	



SECTION A 3  
 $\frac{1}{4}'' = 1'-0''$

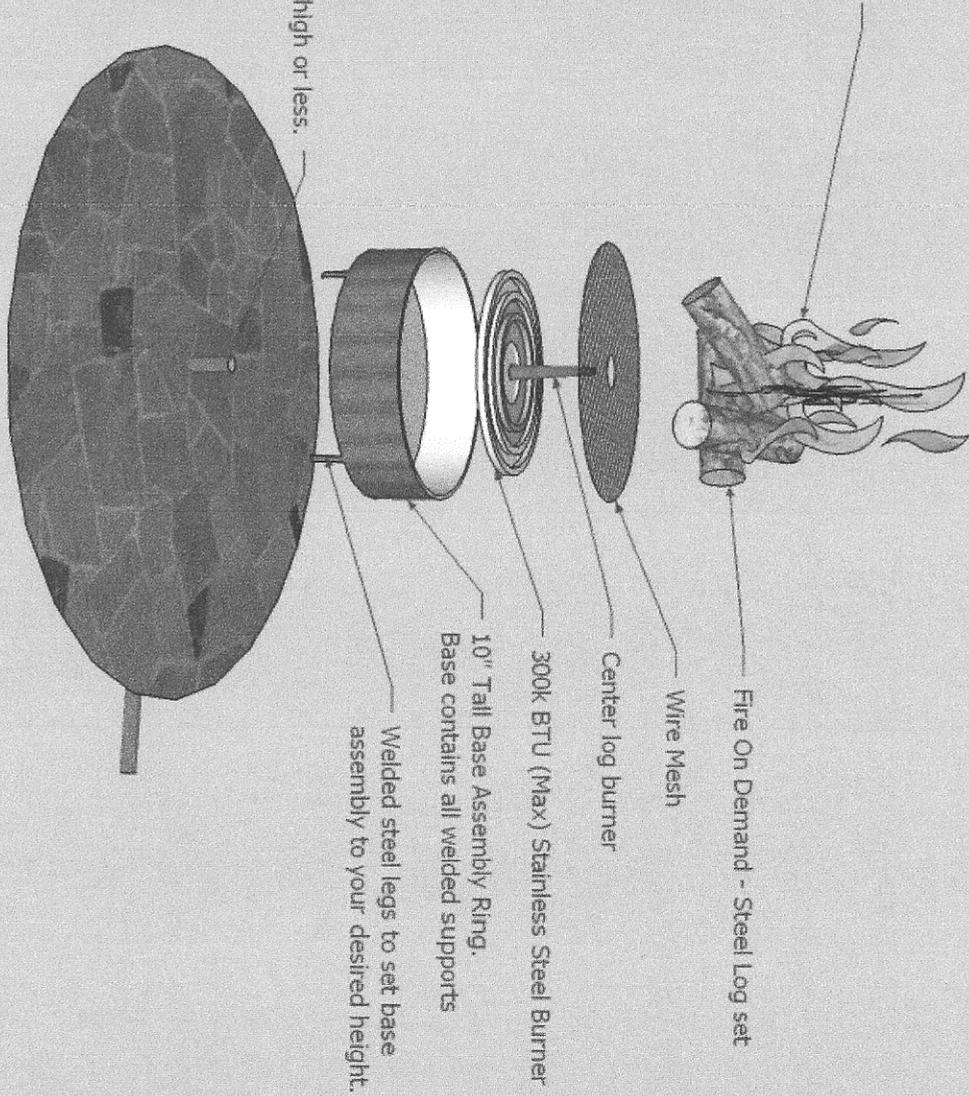


 SECTION B  
 $\frac{1}{4}'' = 1'-0''$



SECTION C  
 1/4" = 1'-0"

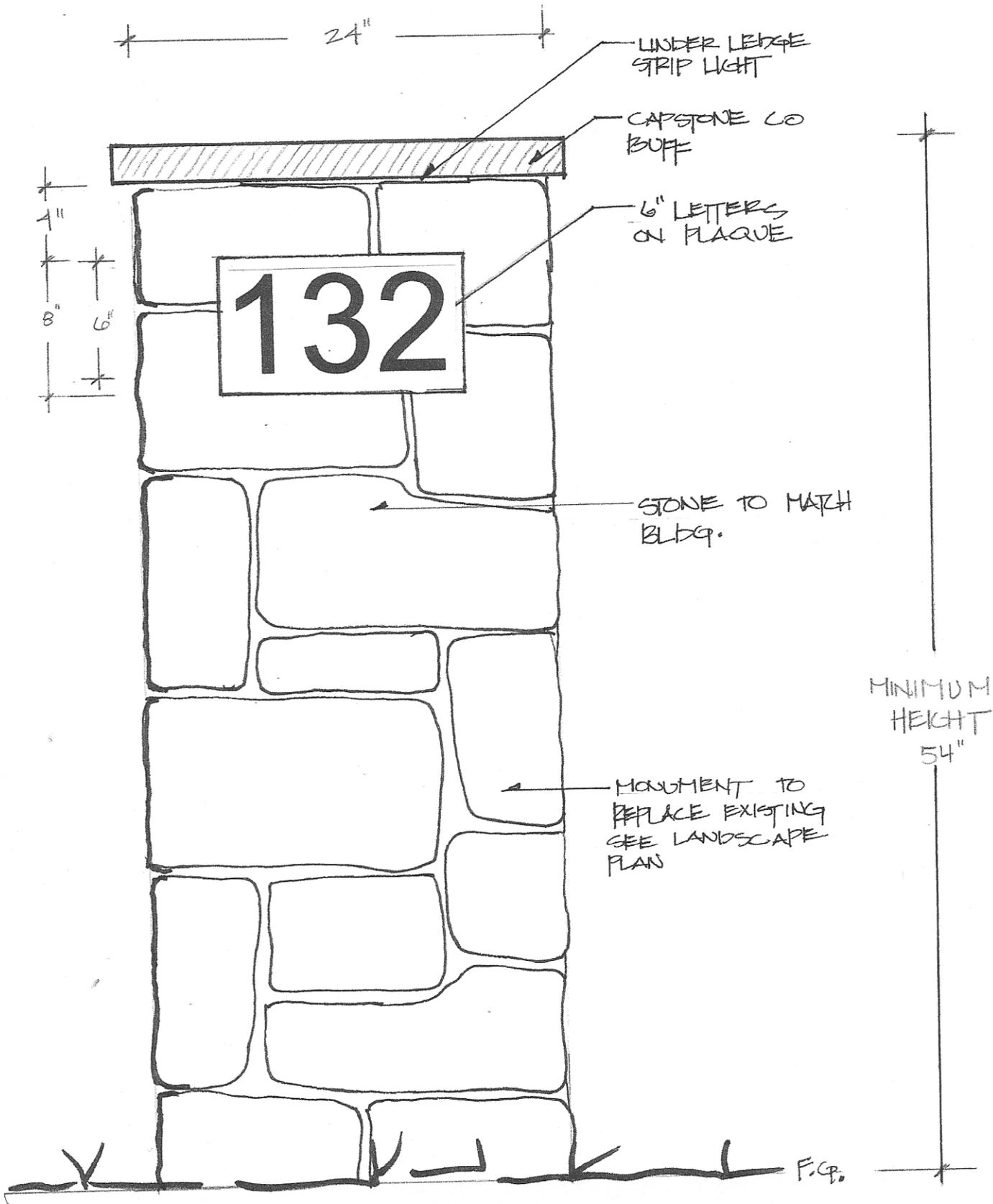
\* Log Sets heights are approx. :  
~~24" diameter pit = 16" tall log set~~  
 30" diameter pit = 20" tall log set  
 36" diameter pit = 24" tall log set



3/4" Black iron gas stub should be 3" high or less.

GAS FIRE PIT

NTS



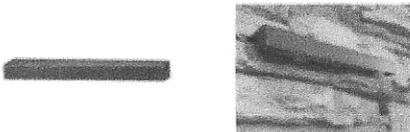
ADDRESS MONUMENT

1/8" = 1"

Lot 1151 Minor Revision  
132 High Country

## Address Monument Light

Home > Products > SPJ-SC-1



## SPJ-SC-1

Model:	SPJ-SC-1
Shown:	Satin Brass
Material:	<input type="checkbox"/> Solid Brass <input type="checkbox"/> or Copper
Finish:	Specify
Electrical:	9-15V
Engine:	FB-2WREC-TA125-2700K
Lumens:	125
Color Temp:	2700K
Mounting:	Recessed
LED:	Nichia Forever Bright



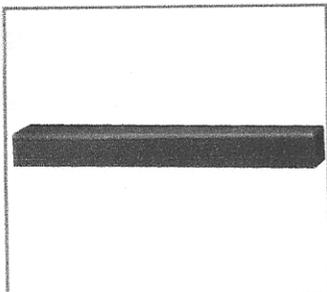
Removable Engine

12" & 18" Lengths Available



# Forever Bright

## SPECIFICATION FEATURES



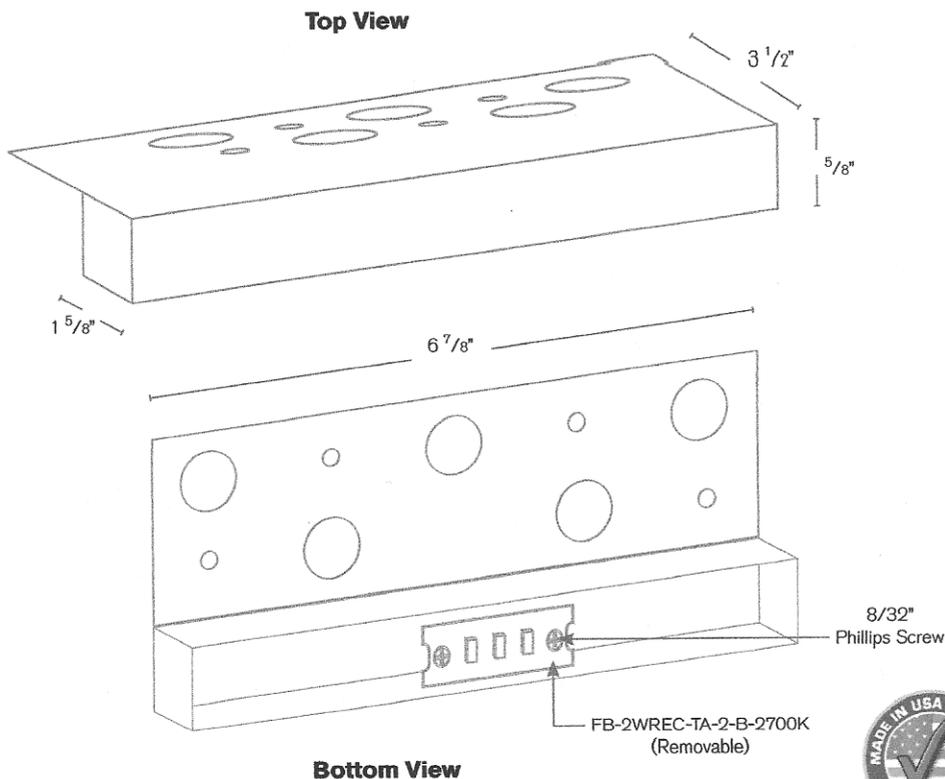
Model: **SPJ-SC-1**  
 Finish: Matte Bronze

- Finish:** Our naturally etched finishes will withstand the test of time. All finishes are individually treated insuring consistency. Our meticulous application results in a fixture that truly becomes "a one of a kind".
- Electrical:** Available in 9-15V
- Labels:** ETL Standard Wet Label  
C-ETL

## Recessed Step Light

### DESCRIPTION

- Model#:** SPJ-SC-1
- Engine:** FB-2WREC-TA-2-B-2700K
- Lumens:** 125
- Color Temp:** 2700K
- Electrical:** 9-15V
- Mounting:** Recessed
- LED:** Nichia



Wet Listed



### ORDERING INFORMATION

Model#	Finishes	Wattage	Lumens	Color Temp.	Electrical
<b>SPJ-SC-1</b>	<b>MBR</b>	<b>2W</b>	<b>125</b>	<b>2700K</b>	<b>9-15V</b>

- V = Verde
- M = Moss
- AG = Aged Brass
- MBR = Matte Bronze
- SB = Satin Brass
- GM = Gun Metal
- B = Black
- R = Rusty
- PVDP = PVD Polished
- PVDS = PVD Satin

# Lot 1151 Minor Revision

## Pathlight

Total # fixtures: 7  
Manufacturer SPJ lighting  
Model # SPJ10-05  
Mounting Post  
Finish Gun Metal  
Cut off shield and light fixed

Home > Pathlights & Area Lights > SPJ10-05



## SPJ10-05

Model:	SPJ10-05
Shown:	Gun Metal
Material:	Solid Brass or Copper
Finish:	Specify
Electrical:	8-15V
Engine:	FB-2W-Cone-TA16
Lumens:	135
Color Temp:	2700K
Mounting:	1/2" NPT. Dual Fin Spike Incl.
LED:	Nichia Forever Bright



# Forever Bright

## SPECIFICATION FEATURES



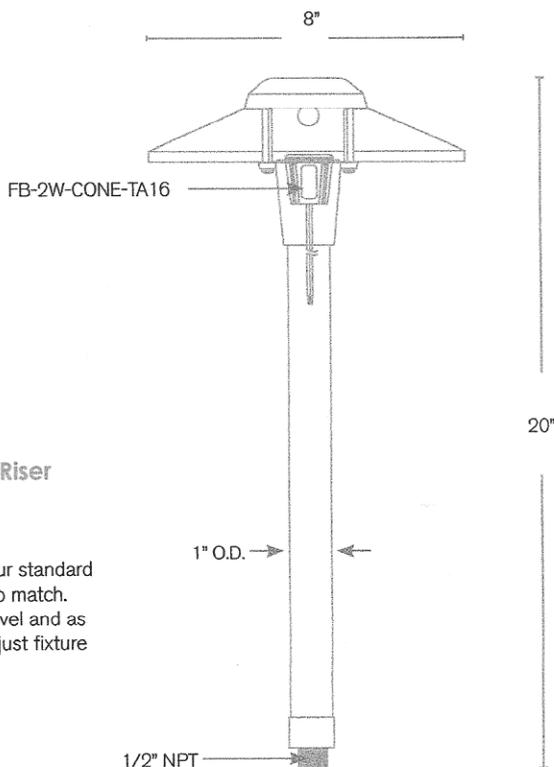
Model: **SPJ10-05**  
Finish: Gun Metal

- Finish:** Our naturally etched finishes will withstand the test of time. All finishes are individually treated insuring consistency. Our meticulous application results in a fixture that truly becomes "a one of a kind".
- Electrical:** Available in 8-15V
- Labels:** ETL Standard Wet Label  
C-ETL

## Path / Area Light

### DESCRIPTION

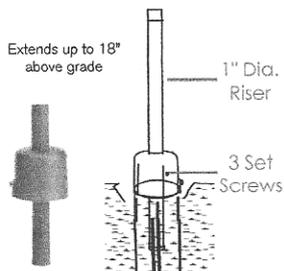
- Model#:** SPJ10-05
- Material:** Solid Brass
- Electrical:** 8-15V
- Engine:** FB-2W-Cone-TA16
- Lumens:** 135
- Color Temp:** 2700 k
- Mounting:** 1/2" NPT. Dual Fin Spike Incl.
- LED:** Nichia



### Option:

#### Adjustable Below Grade Riser

- Model:** SPJ19-03-RBBG
- Shown:** Matte Bronze
- Desc:** Solid brass top fits on our standard perma-post with finish to match. Install fixture at grade level and as the landscape grows adjust fixture height as needed.



Wet Listed



### ORDERING INFORMATION

Model#	Finishes	Wattage	Lumens	Color Temp.	Electrical
<b>SPJ10-05</b>	<b>GM</b>	<b>2W</b>	<b>135</b>	<b>2700K</b>	<b>8-15V</b>
V = Verde	GM = Gun Metal	2W	135	2700K	8-15V
M = Moss	B = Black		145	4000K	
AG = Aged Brass	R = Rusty		170	5000K	
MBR = Matte Bronze	PVDP = PVD Polished				
RC = Raw Copper	PVDS = PVD Satin				

Town of Mountain Village  
Mountain Village Metropolitan District

General Easement Encroachment Agreement

The Town of Mountain Village (Town) and the Mountain Village Metropolitan District (District) hereby grant the Owner (s) Jim Fasano/Belt Investments and/or assigns permission for encroachment within the 16-foot general easement along the South and West boundary of Lot 1151 Town of Mountain Village. that allows for the development of Full Landscaping, Retaining wall for existing spruce and stone walkway shown on Exhibit A attached hereto.

Development within the easement shall be performed at the owner's sole risk and expense. Should the Town, and/or the District, require the easement for any purpose deemed necessary in its/their sole and absolute discretion, including but not limited to, those uses set forth in the Land Use Ordinance, the Town, and/or the District reserves the right to interrupt owner's use of the easement. Any costs associated with reestablishing owner's use of the easement shall be the sole responsibility of the owner.

Owner hereby agrees to indemnify and hold harmless the Town and the District from any and all liability for loss, injury, damage or otherwise (including reasonable fees) arising out of or in any way either directly or indirectly resulting from the allowed encroachment and the use associated therewith.

Executed on this 31<sup>st</sup> day of Jan, '2000

Town of Mountain Village

By:

William A. Hanley III., Mayor

Mountain Village Metropolitan District

By:

Kathy Mahoney, General Manager

Attest:

Linda Check  
Linda Check, Town Clerk

By:

Jim Fasano 01/17/2000  
Owner Signature

# TELLURIDE

## MOUNTAIN VILLAGE METROPOLITAN DISTRICT

### General Easement Encroachment

As an authorized representative of the Mountain Village Metropolitan District, I have reviewed the Site Plan dated 12/10/99 for Lot 1151 and have determined we do not currently use nor do we, at this time, have plans to use the affected portion of the 16-foot general easement depicted in Exhibit A and hereby grant the Owner (s) and/or assigns permission for encroachment within the 16-foot general easement, as shown, that allows for the development of Fill and Landscaping associated with the single family home on said lot.

Approved by: Bill MahoneyBill Mahoney, Field Manager  
Mountain Village Metropolitan DistrictDate: 1/19/2000

(SUBMIT TO THE DEPARTMENT OF PLANNING AND DESIGN REVIEW)

P.O. BOX 11064 113 LOST CREEK LANE TELLURIDE, COLORADO 81435  
PHONE: 970-728-8000 FAX: 970-728-4342

**Exhibit "A"****Legal Description of Non-Exclusive Interest in General Easement  
Lot 1151, Town of Mountain Village**

A Portion of the 16 foot General Easement on Lot 1151, Town of Mountain Village, according to the plat of Telluride Mountain Village, Filing 30, filed in the office of the Clerk and Recorder in Plat Book 1 at page 1463, further described as follows:

Beginning at the southwestern corner of said Lot 1151;

Thence N 19°31'36" E, 97.00 feet along the westerly boundary of said Lot 1151;

Thence S 70°28'24" E, 16.00 feet to a point on said 16 foot General Easement;

Thence S 19°31'36" W, 76.51 feet along said 16 foot General Easement;

Thence S 84°30'00" E, 51.73 feet along said 16 foot General Easement;

Thence along said 16 foot General Easement on a non-tangential curve, concave to the southeast, having a radius of 146.00 feet, an arc length of 6.46 feet, a delta angle of 02°32'06", a chord length of 6.46 feet and a chord bearing of N 49°11'41" E;

Thence N 50°30'00" E, 38.00 feet along said 16 foot General Easement;

Thence along said 16 foot General Easement on a tangential curve, concave to the southeast, having a radius of 399.98 feet, an arc length of 84.80 feet, a delta angle of 12°08'51", a chord length of 84.64 feet and a chord bearing of N 56°34'42" E;

Thence S 43°33'49" E, 16.69 feet to a point on the southeastern boundary of said Lot 1151;

Thence along said southeastern boundary of Lot 1151 on a non-tangential curve, concave to the southeast having a radius of 383.98 feet, an arc length of 86.07 feet, a delta angle of 12°50'34", a chord length of 85.89 feet and a chord bearing of S 56°55'35" W;

Thence S 50°30'00" W, 38.00 feet along the southeastern boundary of said Lot 1151;

Thence along said southeastern boundary of Lot 1151 on a tangential curve, concave to the southeast having a radius of 130.00 feet, an arc length of 12.62 feet, a delta angle of 05°34'08", a chord length of 12.63 feet and a chord bearing of S 47°40'36" W;

Thence N 84°30'00" W, 79.52 feet along the southerly boundary of said Lot 1151 to the Point of Beginning,

County of San Miguel, State of Colorado.



J. David Foley,

P.L.S. #24954



364727

**Town of Mountain Village  
Mountain Village Metropolitan District**

**General Easement Encroachment Agreement**

The Town of Mountain Village (Town) and the Mountain Village Metropolitan District (District) hereby grant the Owner(s) Keith & Linda Beaty and/or assigns permission for encroachment within the 16-foot general easement along the east boundary of Lot # 1151 Town of Mountain Village, that allows for the development of landscaping as shown on Exhibit A attached hereto.

Development within the easement shall be performed at the owner's sole risk and expense. Should the Town, and/or the District, require the easement for any purpose deemed necessary in its/their sole and absolute discretion, including but not limited to, those uses set forth in the Land Use Ordinance, the Town, and/or the District reserves the right to interrupt owners use of the easement. Any costs associated with reestablishing owners use of the easement shall be the sole responsibility of the owner.

Owner hereby agrees to indemnify and hold harmless the Town and the District from any and all liability for loss, injury, damage or otherwise (including reasonable fees) arising out of or in any way either directly or indirectly resulting from the allowed encroachment and the use associated therewith.

Executed on this 9<sup>th</sup> day of March, 2004

Town of Mountain Village

By: *Davis Fansler*  
Davis Fansler, Mayor

Mountain Village Metropolitan District

By: *Kathy Mahoney*  
Kathy Mahoney, General Manager

Attest:

*Linda L. Check*  
Linda Check, Town Clerk

By: *Keith D. Beaty Linda L. Beaty*  
Owners Signature

Keith D. & Linda L. Beaty  
Type or Print Owners Name

g  
1021425404  
16-

**FOLEY ASSOCIATES, INC.**  
**CIVIL ENGINEERING AND LAND SURVEYING**  
**P. O. BOX 1385**  
**TELLURIDE, CO 81435**  
**970-728-6153**

PROPERTY DESCRIPTION

A part of Lot 1151, Telluride Mountain Village, Filing 30 as recorded in the office of the Clerk and Recorder in Plat Book 1 at page 1463, County of San Miguel, State of Colorado, described as follows:

Beginning at the southeasterly corner of said Lot 1151 and the beginning of a curve to the left, of which the radius point lies S24°08'22"E, a radial distance of 383.98 feet; thence southwesterly along the southerly line of said Lot 1151 and along the arc, through a central angle of 04°28'39", a distance of 30.01 feet; thence N43°33'49"W, a distance of 16.54 feet to a point of non-tangent curvature on the northwesterly line of the 16 foot General Easement located on said Lot 1151; thence northeasterly, along said northwesterly line and along the arc of a 399.98 feet radius curve to the right, through a central angle of 01°52'48", an arc length of 13.12 feet, the chord of which bears N61°42'43"E, a distance of 13.12 feet; thence N43°33'49"W, along the southwesterly line of said General Easement, a distance of 123.06 feet; thence N46°26'11"E, a distance of 16.00 feet to a point on the northeasterly line of said Lot 1151; thence S43°33'49"E, along said northeasterly line, a distance of 145.00 feet to the POINT OF BEGINNING.

*Warren L. Ruby*  
 Warren L. Ruby, 2966 #24966







**PLANNING & DEVELOPMENT SERVICES**

455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

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**TO:** Design Review Board  
**FROM:** Dave Bangert, Senior Planner/Town Forester  
**FOR:** DRB Meeting on September 7, 2017  
**DATE:** August 28, 2017  
**RE:** Consideration of a Minor Revisions Application for a walking path to extend into the southern General Easement and a seating area with boulder retaining on the east side of the lot that extends into the eastern General Easement on Lot 407R.

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**APPLICATION OVERVIEW:**

The purpose and intent of this memo is to have the Design Review Board review and evaluate the proposed new encroachments extending into the General Easements (GE's) on Lot 407R.

**PROJECT GEOGRAPHY**

**Legal Description:** Lot 407R, Telluride Mountain Village  
**Address:** 134 Hood Park  
**Applicant/Agent:** Tommy Hein Architects  
**Owner:** Sheila Timm Living Trust  
**Zoning:** Single Family  
**Existing Use:** Single Family  
**Lot Area:** 2.304 acres

**Adjacent Land Uses:**

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

**ATTACHMENTS**

- Exhibit A: Applicant narrative
- Exhibit B: Site Plans

**BACKGROUND**

The owner's representative, Stacy Lake/Tommy Hein Architects, has submitted a Minor Revisions application in accordance with the Community Development Code (CDC). The applicant is proposing the extension of an existing walking path into the southern General Easement and a seating area with boulder retaining and landscaping that extends into the eastern General Easement. The seating area will be sand set flagstone and boulders will be placed to protect a tree on the property line and to help transition from the flat seating area to the steep slope to the north. Additional landscaping will be added to this area to screen the roadway and adjacent properties in a later application. The Public Works Department has no

issues with these encroachments into the GE and has no future plans to use these General Easements.

**ANALYSIS OF RELEVANT CODE SECTIONS**

17.3.14 General Easement Setbacks

C. All general easement setbacks or other setbacks shall be maintained in a natural, undisturbed state to provide buffering to surrounding land uses and to maintain the ability to conduct any of the general easement allowed uses.

D. All above- and below-grade structures or structural components (soil nailing, etc.), earth disturbance, or ground level site development such as walks, hardscape, terraces and patios shall be located outside of the general easement setback or other setbacks on each lot within the allowable building area of a lot.

E. The following development activities are permitted in the general easement setback or other setbacks subject to the applicable review process and Design Regulations:

1. Review authority approved accessways for direct access, including driveways, walkways, and ski trails and ski lifts for ski area access.
  - a. Accessway impacts to the general easement shall be minimized to the extent practical, such as a perpendicular crossing of the easement setback area.
  - b. Accessways shall not exceed the minimum Town standards for construction, such as the minimum width.
2. Utilities;
  - a. To the extent practical, all utilities shall follow a driveway alignment.
3. Address monuments;
4. Natural landscaping without any man-made materials or hardscape;
5. Fire mitigation and forestry management without substantial earthwork;
6. Construction staging provided:
  - a. The area proposed for such staging is devoid of naturally occurring trees or other naturally occurring vegetation; or
  - b. The DRB is approving disturbance in the general easement for another proposed improvement such as a driveway, utility cut, or skier access, and the area can be used for staging until the approved improvement is constructed; and
7. Other uses as provided for in the definition of general easement.

F. The DRB may waive the general easement setback or other setbacks and allow for prohibited activities provided:

1. The applicant has demonstrated that avoiding grading and disturbance in the general easement setback would create a hardship, and there is not a practicable alternative that allows for reasonable use of the lot;
2. The disturbance in the general easement setback is due to natural features of the site, such as steep slopes, wetlands and streams;
3. No unreasonable negative impacts result to the surrounding properties;
4. The general easement setback or other setback will be revegetated and landscaped in a natural state;
5. The Public Works Department has approved the permanent above-grade and below-grade improvements;

6. The applicant will enter into an encroachment agreement with the Town with the form and substance prescribed by the Town; and
7. Encroachments into the general easement setback or other setbacks are mitigated by appropriate landscaping, buffering and other measures directly related to mitigating the encroachment impacts.

**STAFF ANALYSIS**

The applicant is proposing at grade encroachments and boulder retaining that can be removed if ever needed. At grade encroachments will not cause any negative impacts to surrounding properties. The public works department found no issue with the proposed GE encroachments.

**STAFF RECOMMENDATION**

Staff recommends approval the General Easement encroachments proposed by the applicant, Stacy Lake/Tommy Hein Architects, on Lot 407R with the following motion:

*“I move to approve the application by Stacy Lake/Tommy Hein Architects to extend an existing walking path into the southern General Easement and a seating area with boulder retaining that extends into the eastern General Easement with a General Easement encroachment agreement, with an Improvement Location Certificate, between the owner of Lot 407R and the Town of Mountain Village”.*



# MINOR REVISIONS APPLICATION

Planning & Development Services  
Department  
Planning Division  
455 Mountain Village Blvd.  
Mountain Village, CO 81435

MINOR REVISIONS APPLICATION		
<b>APPLICANT INFORMATION</b>		
Name: STACY LAKE - TOMMY HEIN ARCHITECTS		E-mail Address: STACY@TOMMYHEIN.COM
Mailing Address: PO BOX 3327		Phone: 970.728.1220 EXT. 15
City: TELLURIDE	State: CO	Zip Code: 81435
Mountain Village Business License Number 000407		
<b>PROPERTY INFORMATION</b>		
Physical Address: 134 HOOD PARK		Acreage: 2.304 ACRES
Zone District: R	Zoning Designations: R	Density Assigned to the Lot or Site: 4
Legal Description: LOT 407R (SEE WARRANTY DEED)		
Existing Land Uses: VACANT (UNDER CONSTRUCTION)		
Proposed Land Uses: SINGLE FAMILY RESIDENTIAL		
<b>OWNER INFORMATION</b>		
Property Owner: SHEILA TIMM LIVING TRUST		E-mail Address: SHEILA@TOCLASSAF.COM
Mailing Address: PO BOX 139		Phone: 314.650.7449
City: ST. ALBANS	State: MO	Zip Code: 63073
<b>DESCRIPTION OF REQUEST</b>		
EXTENSION OF APPROVED WALKING PATH AND REVISIONS TO LANDSCAPING AT EASTERN SIDE OF THE SITE.		



MINOR REVISIONS APPLICATION

Planning & Development Services
Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435

I, SHEILA TIMM, the owner of Lot 407R (the "Property") hereby certify that the statements made by myself and my agents on this application are true and correct. I acknowledge that any misrepresentation of any information on the application submittal may be grounds for denial of the development application or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development application. We agree to allow access to the proposed development site at all times by members of Town staff, DRB members and the Town Council. We agree that if this request is approved, it is issued on the representations made in the development application submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.

OWNER/APPLICANT
ACKNOWLEDGEMENT
OF RESPONSIBILITIES

SEE ATTACHED AGENCY
Signature of Owner Date

[Handwritten Signature] 18 Aug 17
Signature of Applicant/Agent Date

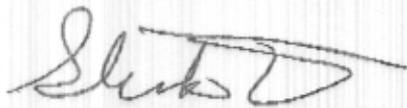
Table with 2 columns and 2 rows for OFFICE USE ONLY. Headers: Fee Paid, By, Planner.

Sheila Timm  
PO Box 139  
Saint Albans, MO 63073

November 18, 2013

I, Sheila Timm as Trustee for the Sheila M. Timm Revocable Living Trust, authorize Tommy Hein Architects to represent me and be my agent in regards to 407R development applications for the Design Review Board of the Town of Mountain Village Colorado.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheila Timm', with a long horizontal flourish extending to the right.

Sheila Timm

Trustee for Shiela M. Timm Revocable Living Trust

# TIMM RESIDENCE

August 29, 2017

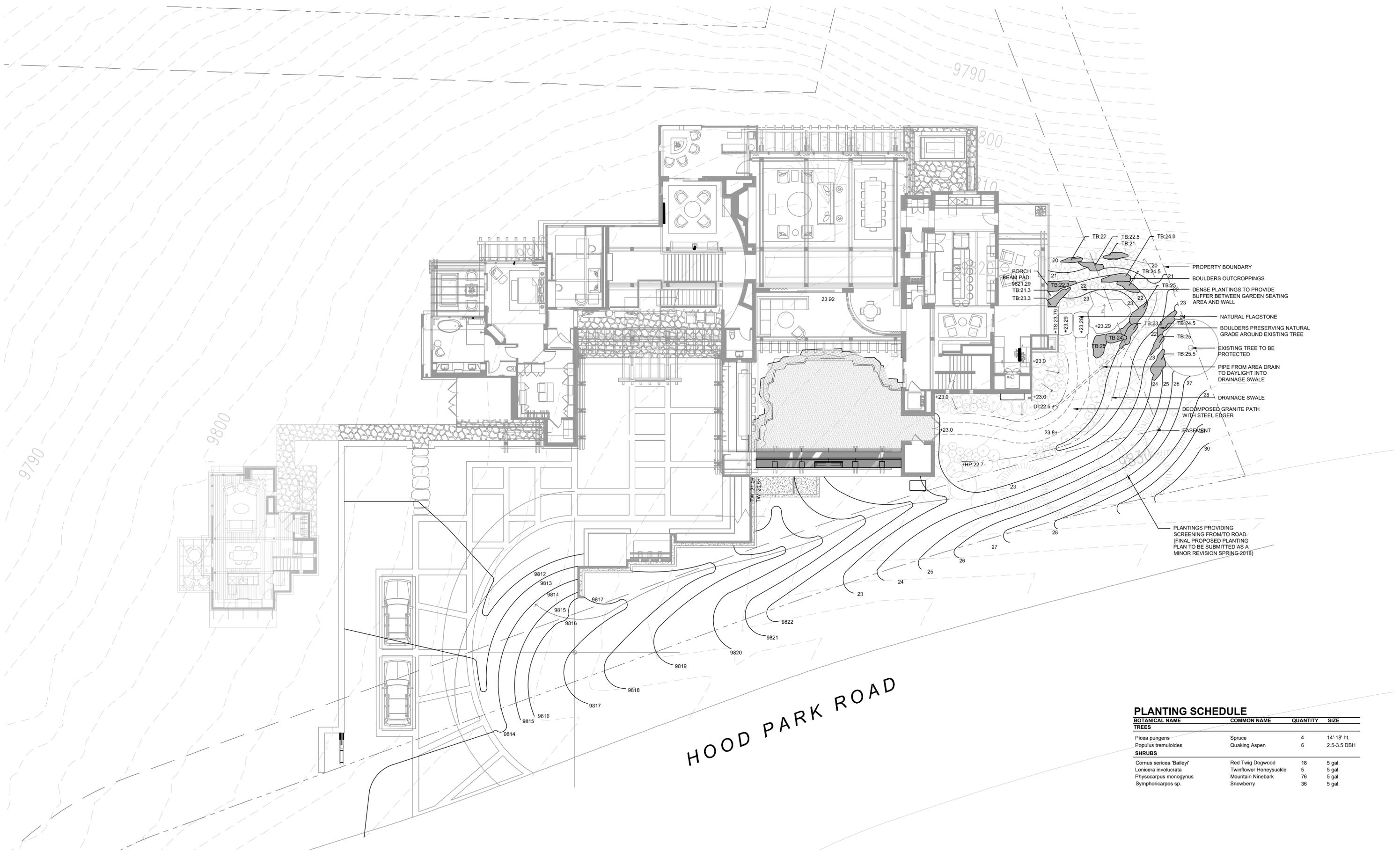
## Minor Revision Application #4

The following items have been revised and require the submission of a Minor Revision Application

- We are proposing to extend the previously DRB approved walking-path from the Ski Portal to the Southwest around the Guest House to facilitate informal movement to and from the Main House as well as from the Guest House to Hood Park Road without having to use the driveway and Main Entry. The surface of this path is to be wood chips and will not extend beyond the Property Line. (Re: ASI-86 Partial Site Plan)
- The Landscaping design for the East Yard Area has been designed to provide a planted buffer between a seating area and the steep slope to the North as well as to Hood Park Lane to the South. Boulder retaining (less than 36" in height) is required to transition from the flat seating area to the steep slope as well as to protect the existing large tree at the east Property Line. Additional shrub planting is proposed to screen the Utility Meters along the South wall in this area. A portion of these landscaping improvements are located within the 16' General Easement, but do not cross the Property Line. The plantings as shown are preliminary and a final Landscape Planting Plan will be submitted as a Minor Revision in the Spring of 2018. (Re: Proposed East Courtyard Landscape Improvements drawing)
- The primary purpose of this Minor Revision #4 is obtain approval for the Boulder Retaining Walls at the Walking Path extension and the East Courtyard Area.

Thank you for your consideration of these revisions.

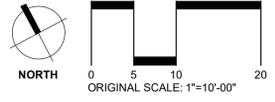
**Stacy Lake**, Architect



**PLANTING SCHEDULE**

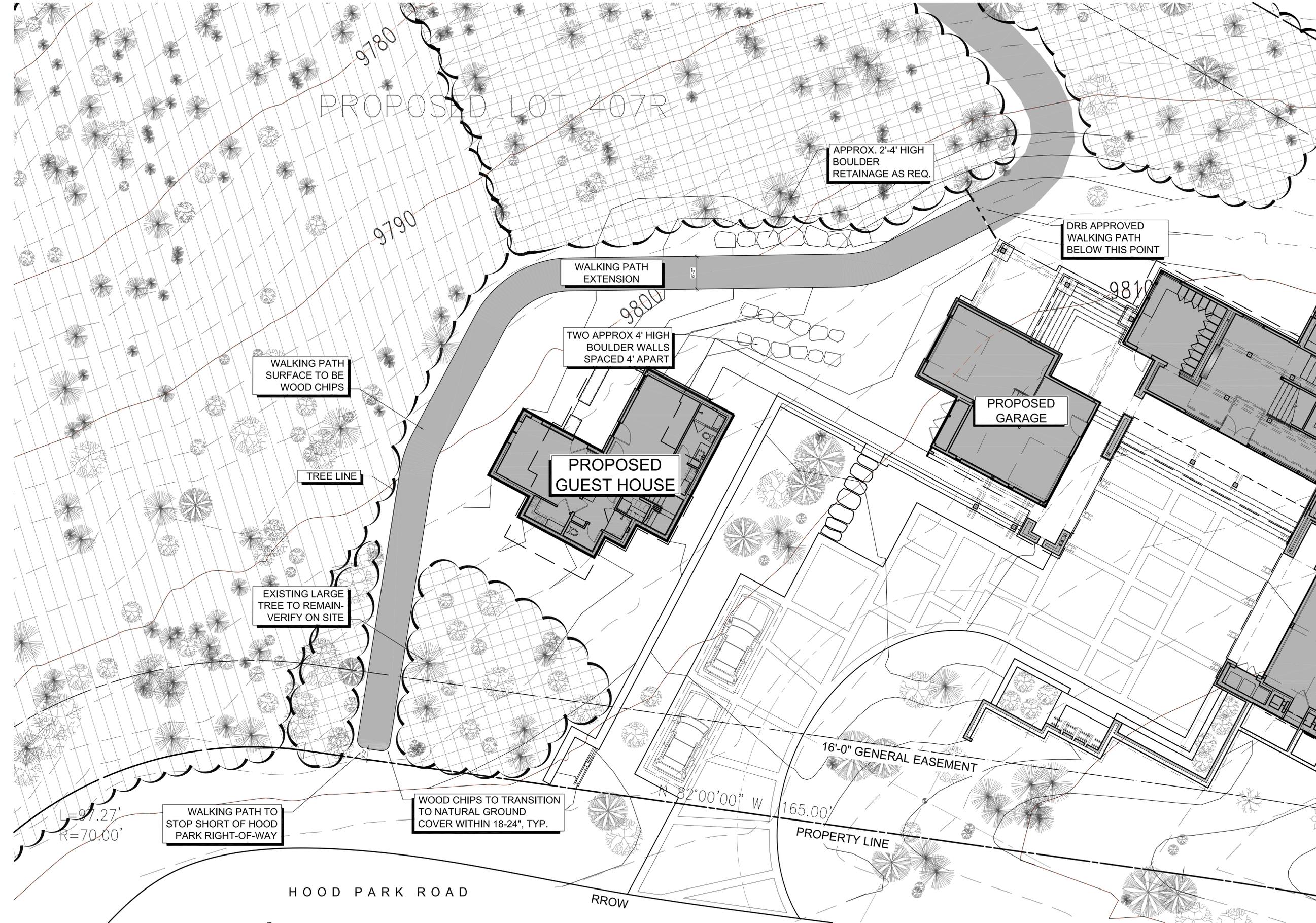
BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE
<b>TREES</b>			
<i>Picea pungens</i>	Spruce	4	14'-18' ht.
<i>Populus tremuloides</i>	Quaking Aspen	6	2.5-3.5 DBH
<b>SHRUBS</b>			
<i>Cornus sericea</i> 'Bailey'	Red Twig Dogwood	18	5 gal.
<i>Lonicera involucrata</i>	Twinflower Honeysuckle	5	5 gal.
<i>Physocarpus monogynus</i>	Mountain Ninebark	76	5 gal.
<i>Symphoricarpos</i> sp.	Snowberry	36	5 gal.

**TIMM RESIDENCE - PROPOSED EAST COURTYARD LANDSCAPE IMPROVEMENTS**  
 134 HOOD PARK ROAD  
 LOT 407R  
 08/30/17



**SUBMISSIONS:**

ASI 01 / FOUNDATION NOTES	07.17.15
ASI 02 / MECHANICAL PLAN UPDATES	07.20.15
ASI 03 / FOUNDATION REVISIONS	08.06.15
ASI 04 / CONC. WALL REINFORCING	09.03.15
ASI 05 / REV. FOUNDATION PLANS	11.03.15
ASI 06 / CONST. SET 2 - STRUCT.	01.11.16
ASI 07 / GUEST HOUSE PLANS & ELEV.	02.26.16
ASI 07.1 / S1.10 & S1.10A REVISIONS	02.11.16
ASI 08 / UPDATED LIGHTING PLANS & DETAILS	02.11.16
ASI 09 / STRUCTURAL CLARIFICATIONS	02.17.16
ASI 10 / BUILDING SECT. A4.8	02.18.16
ASI 11 / REVISED AS SHEETS	04.01.16
ASI 12 / REV. DOOR ELEV. FIREPLACE ELEV. & SCHD.	06.28.16
ASI 13 / REV. S1.3	06.15.16
ASI 14 / APPROVED WALKING TRAIL PLANS	06.15.16
ASI 15 / REVISED FINISH SCHEDULE	06.15.16
ASI 16 / OUTDOOR WATER FEATURE	06.20.16
ASI 17 / REVISED FIREPLACE DRAWINGS	06.22.16
ASI 18 / REVISED PLUMBING SCHEDULE	06.24.16
ASI 19 / REVISED GUEST HOUSE WINDOWS	06.24.16
ASI 20 / SKYLIGHT DETAILS	07.25.16
ASI 21 / REVISED WATER FEATURE VAULT	07.15.16
ASI 22 / UPDATED ABRACINGS DETAILS	07.25.16
ASI 23 / REVISED AUTO-COURT/PANTRY T.O. WALL	07.25.16
ASI 23 SITE MEETINGS REVISIONS	08.25.16
ASI 23 INTERIORS CLARIFICATION	09.01.16
ASI 30 FIREPLACE UPDATES	09.13.16
ASI 30 INT. DOOR REVISIONS	09.22.16
EXTERIOR MATERIAL REVISIONS	09.22.16
MINOR REVISION APPLICATION	10.04.16
ASI 60 GUEST HOUSE ROOF REVISION	11.30.16
ASH41 GUTTER/SNOWFENCE	12.05.16
ASH44 ENTRY RCP REV.	12.15.16
ASH44 ENTRY RCP (REVISED)	01.18.17
ASH41 OUTDOOR KITCHEN REV.	05.30.17
ASH46 WALKING PATH/EAST GARDEN LANDSCAPE	06.16.17



**TIMM RESIDENCE**  
**134 HOOD PARK RD.**  
 Mountain Village, CO

PATH

**ASI**  
**86**

P:\E:\Mountain Village\134 Hood Park Rd - Timm Residence\134 Hood Park Rd - ASI 86 - Walking Path.dwg, AS7, 8/21/2017, 3:24:52 PM, Stacy M. Lane, Adobe PDF

