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Minturn Planning Commission
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MEMORANDUM

Date: September 19, 2024
To: Minturn Planning Commission
From: Scot Hunn, Consulting Planning Director
RE: 996 Main Street – Bovino-Young Residence Change to Approved Plans

The Bovino-Young Residence, a single-family home located at 996 Main Street, received DRB approval in April 2021. Construction was commenced and certain amendments to approved plans were later approved in October 2021 to allow for minor modifications to finished floor heights, revisions to the basement/crawlspace level, and the rear deck/patio area.

The building has been under construction since that time and Town staff were asked to perform a final (Certificate of Occupancy) inspection in July of this year. Upon inspection of the residence, several substantive changes were observed including changes to exterior materials, window and door placement, changes to the driveway design, and changes to the rear yard (patio and hot tub placement).

Staff also observed the installation of a hot tub in the rear yard. While hot tubs are permitted, staff was concerned about the revisions to the patio and the placement of the hot tub in an area that appeared to be in proximity to the 30-foot live stream setback. A portion of the patio also encroaches into a sewer line easement for Eagle River Water and Sanitation District (ERWSD). Those concerns have now been addressed:

1. The provision of an updated Improvement Location Survey (ILC) by Kipp Land Surveying has confirmed that the revisions to patio and the location of the hot tub do not encroach within the live stream setback.
2. The provision of an encroachment agreement by and between the property owner and ERWSD confirms approval for the location of the patio within the sewer line easement.

Overall, staff is supportive of the various changes around the exterior of the residence; the overall design has not changed significantly and all materials changes are still in keeping with the Town's design standards (Chapter 16, Appendix B).

Additionally, staff had initial concerns related to the increased size of the rear patio in context to allowable impervious coverage on the lot. However, the patio area is comprised of sand set pavers which have been interpreted in the past as being pervious or permeable (allowing infiltration of water) and, therefore, not counting toward impervious coverage limits.

In summary, staff is supportive of the changes to approved plans which have been found to be in compliance with applicable zoning, dimensional limitation (i.e. setbacks and impervious coverage), and design standards.

Attached under cover of this memo are updated plans for the residence (floor plans, site and landscape plans, turning radii drawing for driveway, and exterior elevation drawings), updated survey, and a copy of an executed and recorded encroachment agreement for improvements within a sewer line easement.