

TOWN OF SNOWMASS VILLAGE

PLANNING COMMISSION MEETING MINUTES

May 7, 2025

Members Present:

Brian Marshack
Jim Gustafson
Stan Clauson
Jami McMannes
David Seglin
Doug Faurer

Staff Present:

Brian McNellis
Jim Wahlstrom
Ashleigh Huff
Anne Martens

Members Absent:

Matt Dube

Others Present: Kat Adams, Fritz Carpenter, Jill Dalby, Adolfo Gorra, Walter Gorra, Lara Hechtkopf, Jay Lambiotte, Jeff McMahan, Adam, Chris Chaffin.

Call to order: The meeting was called to order at 4:02 pm, and roll was called. Chair Dube was absent.

Item 1: Approval of Meeting Minutes:

The minutes from the April 23, 2025, meeting were presented for approval. Commissioner Gustafson motioned to approve, seconded by Vice Chair Marshack. Approved 6-0.

Item 2: Variance Request – Ridge Run Unit 1, Lot 61

Brian McNellis, Senior Planner for the Town of Snowmass, opened the public hearing by confirming receipt of the affidavit of mailing and posting, emphasizing this is a *public hearing* rather than a general meeting, as it involves a variance application governed by the municipal code. The Planning Commission holds final decision-making authority on such matters. The case discussed pertains to Ridge Run Unit 1, Lot 61 where the applicant proposes constructing a soil nail retaining wall to relieve lateral pressure on the existing residence's foundation and stabilize Faraway Road—an effort supported by the Public Works Department, with a referral letter included in the meeting packet (Exhibit C). Mr. McNellis expressed while staff supports the variance for the retaining wall, they have concerns about the proposed patio space extending into the setback and utility easement, potentially up to the property line adjacent to Faraway Road.

Mr. McNellis presented maps, photographs, and cross-sections to illustrate the steep topography and the retaining wall's intended placement and function. He emphasized the need for Planning Commission discussion, particularly regarding the patio structure, which is atypical for variance approvals. The floor was then turned over to the applicant's representative, Fritz Carpenter, with a reminder public comment would also be accepted during the hearing.

Fritz Carpenter explained the proposed elevated deck over the excavated area is intended to improve surface drainage and prevent water infiltration into expansive clay soils identified in a geologic report by Kumar Associates. Geofoam infill was considered but found to be costly and less effective for drainage. The deck, though outside the building envelope, would help protect the investment in the soil nail retaining wall and ensure long-term site stability. The wall will be installed in 5-foot stages and will also aid in stabilizing Faraway Road. Adolfo and Walter Gorra (GSC) confirmed they had no additional comments. Vice Chair Marshack opened the meeting to the commissioner's comments and questions.

Commissioner Gustafson opened the discussion by asking for clarification on the location of the town road right-of-way in relation to the proposed soil nail wall and patio area. Fritz Carpenter estimated the right-of-way was within a nearby tree cluster, approximately 11 feet from the property line. Gustafson disclosed his role on the HOA Architecture Review Board and stated he would abstain from voting on the proposed resolution. Brian McNellis noted while the deck might address aesthetics and usability, staff could not justify the variance under the town code for those reasons alone. The proposed deck fully encroaches into the setback and utility easement, which is typically not permitted. Commissioners discussed the implications of the patio extension into the utility easement and the potential for future conversion of void space into livable area. Anne Martens, Public Works Director, noted while the utility easement is not currently in use, any encroachment would require a license agreement, and any structure could complicate future public works projects. Alternatives such as using Geo foam fill and landscaping were proposed in place of a patio. Commissioners expressed concern about approving the patio without a clearer landscape and drainage plan. Alternatives such as using Geo foam fill and landscaping were proposed in place of a patio. Commissioners voiced concerns about moving forward with the patio approval without a more detailed landscaping and drainage plan. As a result, both commissioners and staff agreed to approve only the soil nail wall. They requested the applicant return with a revised proposal, including updated landscaping details and a right-of-way license agreement from Public Works. The matter was continued to the next meeting for further consideration.

Commissioners Gustafson and Faurer recused themselves from the next discussion topic.

Item 3: Variance Request- Ridge Run Unit 4, Lot 5

Jim Wahlstrom, Senior Planner, presented a variance request for a retaining wall within the 20-foot front setback at Ridge Run Unit 4, Lot 5, zoned PUD. Public notice requirements were met, including publication in *The Aspen Times* (April 2) and proper mailing and posting. Mr. Wahlstrom reviewed the purpose of a variance, which allows deviations due to special physical site conditions; while the site features steep slopes, it does not meet the steep slope definition in the municipal code. The proposed retaining wall meets the minimum 10-foot setback requirement but exceeds height limits—measuring up to 8 feet above existing grade and 5 feet above proposed grade in its highest section. Supplemental neighborhood comments and Public Works feedback were received after packet distribution and will be included in the record. Staff found the application met the relevant code criteria and recommended approval with conditions, as outlined in Resolution 4. The applicants, Brahm and Laura Hechtkopf, were represented by Jeff Fitzgerald and Kat Adams of Fitzgerald Landscaping. Mr. Wahlstrom turned the presentation over to the applicant.

The applicants, Brahm and Laura Hecht Copp, along with their representatives Jeff Fitzgerald and Kat Adams of Fitzgerald Landscaping, presented additional details regarding their variance request for a serpentine retaining wall at Ridge Run Unit 4, Lot 5. The proposed wall would be set back 30–35 feet from the street and 14–25 feet from the property line, encroaching just 6 feet 6 inches into the required front setback. It ranges in height from 1 to 5 feet, with a maximum of approximately 8 feet above existing grade, tapering down toward the western edge. The applicants worked with the DRC to reduce the setback encroachment to under 50%, and addressed slope stabilization, runoff, and subsurface drainage issues, noting recent water main breaks may have contributed to area water concerns. Three engineers, including Dan Harden and Brian Kurtz, reviewed the plans and confirmed no adverse drainage or flooding impacts. The wall will be constructed using natural materials and will be screened with native landscaping to minimize visual impact and preserve neighborhood character. Kat Adams emphasized the design aligns with municipal codification goals to blend development with the natural environment, and a HydroWise irrigation system with leak detection will further protect neighboring properties. Homeowner Lara Hechtkopf stated their intent to improve the steep yard for safety and usability, particularly for their children, while being sensitive to neighbors' concerns. Vice Chair Marsack opened the discussion to the commissioner's questions and comments.

Commissioner Seglin inquired about the height of the wall and the encroachment into the setback, asking whether a variance would still be necessary if the wall were not built within the setback. Staff clarified if the wall stayed entirely outside the setback and remained under 30 inches in height, it could proceed with a building permit and would not require a variance. However, due to the wall's proposed height and design objectives, the applicants pursued a variance after exploring other options. Commissioner McMannes inquired about the structures not mentioned in the code. Mr. Wahlstrom clarified that during the completeness

review, it was found that some existing walls on the property, especially on the eastern side, appeared to date back to the original development. Vice Chair Marshack invited members of the public to speak.

Jay Lambiotte, a long-time resident of Snowmass Village, expressed his opposition to the proposed project, emphasizing that it requires a variance that he believes does not meet the necessary criteria. Mr. Lambiotte pointed out that the project would significantly alter the natural landscape by constructing a large wall on a stable hillside, removing mature trees, and changing the streetscape. Mr. Lambiotte raised concerns about the impact on groundwater, even though the engineers involved claimed no significant effect, stating that any large-scale construction would inherently disrupt the existing natural functioning of the hillside. He concluded by stressing that the project does not align with the town's planning documents and the principles of environmental stewardship and preserving neighborhood character.

Jill Dalby, also a long-time resident of Snowmass Village, shared similar concerns, emphasizing the lack of justification for the project. She questioned the need for a large wall and additional lawn space in a yard that already offers ample usable space, arguing that no hardship had been demonstrated to warrant a variance. Ms. Dalby also expressed worry about the environmental impact, particularly concerning the hillside's groundwater issues and the possible erosion risk. Ms. Dalby referenced the town's comprehensive plan, particularly its focus on "just big enough" development and environmental conservation and asserted that the project fails to align with these principles. Ms. Dalby concluded by requesting the Planning Commission deny the variance, as the application did not meet the required standards.

Chris Chaffin, a resident since 1981, voiced concerns about the proposed wall's impact, noting it could exceed 8 feet in height due to soil adjustments. He questioned the variance, citing insufficient evidence for erosion concerns and non-compliance with steep slope criteria. Chris requested the wall be made of real stone with landscaping, including 12-foot conifers, to reduce visual impact. He also sought assurance against quality reductions and suggested placing the wall within the building envelope under 30 inches for a better solution.

Commissioner Clauson pointed out that the criteria for the variance were not met, especially regarding the steep slope and erosion issues. Commissioner Seglin shared similar concerns, noting the lack of sufficient evidence to support claims of erosion or an existing hardship. He also highlighted the absence of a civil engineer's report, making it difficult to justify the variance. The applicant requested time to obtain and submit the report, but the commissioners declined. Vice Chair Marshack emphasized that variances are rarely approved without strong evidence of exceptional circumstances. Commissioner Clauson motioned to deny the variance application, and Commissioner Seglin seconded the motion.

The vote passed unanimously, 4-0, with Commissioners Gustafson and Faurer absent.

Dave Shinneman, Community Development Director, was not in attendance; no Community Development Director updates were given.

Motion to adjourn by Vice Chair Marshack, seconded by Commissioner McMannes. All in favor. None opposed.

The meeting was adjourned at 5:50 p.m.