

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES – OCTOBER 21, 2019

City of Woodland Park Council Chambers, 220 W. South Avenue, Woodland Park, CO

1. ORDER AND ROLL CALL. Order was called at 5:30 p.m. with attendance as follows:

Present	Chairman Louis Ramon
Present	Vice-chairwoman Lois DeVaux
Present	Regular Member Kerri Kilgore
Absent	Regular Member Randy Carlson
Present	Regular Member Larry Larsen
Present	Alternate Member Jerry Smith
Present	Alternate Member Catherine Nakai
Staff Present	City Planner/BOA Secretary Lor Pellegrino, City Attorney Jason Meyers, BOA Attorney Nina Williams

Alternate Board Member Smith was appointed to replace absent Regular Board Member Carlson.

2. PLEDGE OF ALLEGIANCE. All recited the Pledge of Allegiance.

3. APPROVAL OF MINUTES. The 9-11-2019 minutes were unanimously approved as written.

4. REQUESTS

- A. Consider Sinel “Motion to Set Aside Ruling of Board of Adjustment dated September 11, 2019, and Motion for New Hearing, and Motion to Recuse Lois DeVaux,” and “Motion to Modify Conditions of the Village at Tamarac,” all regarding Appeal APL 19-002 (#19080214).

Chairman Ramon stated that these items were received by the Planning Department and passed on to the Board for information only. As information, they are not open for public comment or debate. After 10 days to review the information, the Chairman finds that the Board of Adjustment does not have the authority to set aside a ruling made by the Board nor the authority to hold a new hearing. He further finds that while several assertions, claims and even accusations are presented, no specific new evidence was submitted in this information. The Municipal Code specifically cites that the recourse for parties who disagree with Board actions is action through the District Court. The District Court is the only body with the authority to review, overturn, or adjust Board actions. The Chairman concluded that this is an administrative matter and that the Board has nothing more to say with regard to the information presented and no action to take as a result.

BOA Attorney Nina Williams made it clear that the appeal and quasi-judicial record is closed for the referenced appeal (following the completion of the September 11, 2019 Board meeting) and that there is no legal significance or action to that formerly-decided appeal by tonight’s discussion, no matter what form that may take. This statement is made to be clear and fair, so that there is no impression of hope or false hope where there is none to give. She further stated that if there is an issue with the law or facts, the only legal remedy is to appeal in District Court, pursuant to Woodland Park Municipal Code section 18.54.050. Just so the Board is aware, the District Court is deferential to the government body in these appeals and there are high standards to overturn a decision. The law, or the City Code or the BOA Rules of Procedure do not allow for any other action here or for these motions to be considered. Staff and the Board of Adjustment have agreed to put this request on the agenda to be kind and to be open and to explain in a public forum the reasoning, but this is not a public hearing or an action.

Board member Kilgore stated that she supports the comments made by the Chairman and BOA Attorney and stated that the Board members must maintain their integrity when judging appeals. .

5. PUBLIC HEARINGS. None.

6. **REPORTS.** BOA Secretary Pellegrino distributed the September Planning Report and the 2020 meeting schedule.
7. **ADJOURNMENT.** Due to an out of order and somewhat raucous outbreak in the 20-person audience, the meeting was adjourned at 5:39 p.m and the planned work session was deferred to the next available meeting.

Minutes by:


City Planner/BOA Secretary Lor Pellegrino, AICP

Approved by:



Mr. Louis Ramon, Chairman

11/18/2019

Date