



RECORD OF PROCEEDINGS
Board of Adjustments
Tuesday, April 6, 2021
Palmer Lake Town Hall, 28 Valley Crescent

Members Present:

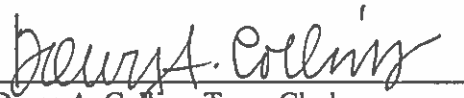
Chair – Kurt Ehrhardt	Vice Chair – Bob Miner
Member – Ed Kinney	Member – Charles Ihlenfeld
Member – Glant Havenar	Alt Member – Mike Richards

- 1. Call to Order.** Bob Miner called the meeting to order at 6 PM.
- 2. Roll Call.** Roll call taken with five regular members and one alternate (associate) member present.
- 3. Approval of Minutes.** MOTION (Havenar, Kinney) to approve the January 5, 2021 meeting minutes. Motion passed.
- 4. Election of Chair.** MOTION (Kinney, Havenar) to keep it the same with Kurt as Chair and Bob as Co-Chair. Motion passed. Discussion took place through the meeting that co-chair is not accurate and the code and statutes call for a Chair and, in absence of the Chair, a Vice Chair. MOTION (Ihlenfeld, Havenar) to nominate Kurt as Chair. Motion passed.
- 5. Election of Vice Chair.** MOTION (Havenar, Richards) to nominate Bob as Vice Chair. Motion passed.
- 6. Review of Applicant.** Mr. Kevin Dreher was not in attendance. MOTION (Ihlenfeld, Richards) to table until he is present. Motion passed.
- 7. Review Board of Adjustment, Code, Authority, Definition of Hardship.** Town Attorney Matt Krob addressed the Board members explaining his background. He described that a statutory town has authority based on Colorado Revised Statutes, noting that a town with a zoning code is required to have a Board of Adjustments. It is made up of 3 citizen members, one member from the Planning Commission and one member from the Board of Trustees, and allows for two alternate citizen members, all appointed and approved by the Board of Trustees. The structure for a quorum was reviewed – 3 for a quorum to address mundane business (minutes, etc.) but requires 4 votes in favor for a variance request to be approved. Attorney Krob reviewed the definition of hardship and that the burden to prove a hardship is on the requester of the variance. The record must reflect the facts supporting the hardship. Discussion took place about the application process. The required publication time is a minimum of 15 days. The Board requested that staff allow for 30 days notice to the board and property posting. Review of the Board's quasi-judicial authority and the five reasons to grant a variance took place, based on section 17.72.030(B). The process of the hearing was reviewed, noting that members act as "judges" and not

to meet individually with the applicant but to create a proper record and all hear the same evidence. Discussion took place about past hearings and Attorney Krob stated the Board cannot go back on past decisions. Further discussion was prompted from Kurt about chairing the Board as long as the members are in agreement to stay on task and not bring up past cases. A suggestion was made to address rules at a future Board workshop. Staff also stated that copies of Title 17, zoning of the municipal code will be distributed.

8. Adjourn. MOTION (Ihlenfeld, Havenar) to adjourn at 8:01 PM. Motion passed.


Kurt Ehrhardt, Chair


Dawn A. Collins, Town Clerk