

## MINUTES

### FOXFIELD BOARD OF TRUSTEES REGULAR MEETING

May 16, 2019

#### **Call to Order/Roll Call**

The meeting was called to order at 6:30 p.m. at South Metro Fire Protection District Station #42 at 7320 South Parker Road, Foxfield, Colorado. The Pledge of Allegiance was recited.

The following Trustees were present: Pam Thompson, Dave Goddard, Amy Snell-Johnson, Debby Farreau, Scott Freas, and Mayor Lisa Jones. A quorum was present.

#### **Audience Participation**

Patti Heber, 7212 S. Quintero Street, had a concern about code enforcement. Town Clerk Gallivan will follow up.

#### **Consent Agenda**

Trustee Goddard moved, seconded by Mayor Jones, to approve the following items on the Consent Agenda:

- a. Approval of Minutes – May 2, 2019
- b. Financial Reports – April 2019

The motion passed by unanimous voice vote.

#### **Items Removed from Consent Agenda**

None

#### **Public Hearings**

##### **Board of Adjustment**

##### **Appeal, 7231 S. Quintero Street**

Mayor Jones opened the public hearing at 6:35 p.m.

Mayor Jones gave a brief history of the issue under appeal, stating that a geodesic dome greenhouse had been installed without a building permit. The Town Administrator determined that the dome did not meet code and was required to come into compliance within 30 days of the notification. The applicant filed an appeal of this decision.

The applicant and her attorney presented their basis for appeal of the Town Administrator's ruling. The Town Administrator gave a brief statement reiterating her ruling.

The Mayor closed the hearing at 7:12 p.m.

Following a discussion of the points raised by the applicant during the hearing, Mayor Jones, finding that the dome is a structure and does not meet the dimensional requirements of a greenhouse, and that the Town Administrator properly interpreted and applied the code and did not exceed her authority, moved to affirm the Town Administrator's determination and deny the appeal. The motion was seconded by Trustee Farreau. The motion passed by a vote of 5 to 1, with Trustee Thompson casting the dissenting vote.

Mayor Jones instructed counsel to draft an order consistent with the Board's decision which can be approved at the next Board meeting.

## **Variance Application, 7231 S. Quintero Street**

Mayor Jones opened the public hearing at 7:16 p.m. pursuant to Sec. 16-5-70(2) request by resident Jan Allen for a dimensional variance.

The applicant's attorney requested a variance allowing the applicant to keep the 855 square foot geodesic dome greenhouse that was erected on her property without obtaining a building permit. The justifications given were that there would be a financial hardship to the applicant if she is ordered to remove the dome, it looks nice and does not have a negative impact on any neighbors.

The Town Administrator reiterated that in order to be granted a variance, all 13 requirements of Section 16-5-70 must be met. The Town Administrator noted that the first condition references a hardship caused by the property's boundaries, existing structures or topography with no mention of financial hardship. It is her contention that since the first requirement has not been met, there is no need to consider the additional 12 requirements.

Speaking against the granting of a variance:

Allyson Zoellner, 16915 E. Costilla Avenue  
Jerry Zoellner, 16915 E. Costilla Avenue

Speaking in favor of granting the variance:

Bobbie Moore, 7251 S. Quintero Street

Speaking in general terms about the length of the process:

Patti Heber, 7212 S. Quintero Street

Mayor Jones closed the hearing at 7:38 p.m.

Following discussion, Mayor Jones moved to deny the variance request for 7231 S. Quintero Street finding that it does not meet all the criteria for a variance in code section 16-5-70. The motion was seconded by Trustee Farreau. The motion was approved by unanimous voice vote.

The applicant's attorney then requested a 90-day period before any action is taken by the Town. The Board agreed to grant this grace period.

Mayor Jones instructed counsel to draft an order consistent with the Board's decision which can be approved at the next Board meeting.

## **Reports**

### **Members of the Town Board**

Trustee Thompson noted she has had complaints about code enforcement, particularly temporary signs in the ROW.

Trustee Thompson said she is working on the 4<sup>th</sup> of July event and will soon need volunteers to help.

Trustee Goddard raised concerns about some of the Town's legacy buildings that don't meet current code. He would like to see the code changed to allow rebuilding of these structures as long as they meet current safety and building standards.

Trustee Goddard asked if Foxfield would consider allowing Off Highway Vehicles on Town roads as long as there is a duly licensed individual behind the wheel. The Town has the authority to allow these OHVs.

Trustee Farreau reported there are numerous faded stop signs that need to be replaced. Town Clerk Gallivan requested locations in order to get replacements installed.

Trustee Farreau asked if the Code Enforcement Officer could come quarterly to Board meetings.

**Staff**

Town Clerk Gallivan asked for dates for the Community Garage Sale and Large Item Pickup. She will work with Republic Services to schedule the large item pickup for the week-end after the garage sale, later in June.

**Adjournment**

Mayor Jones adjourned the meeting at 8:25 p.m.

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Randi Gallivan, Town Clerk

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Lisa Jones, Mayor