

**TOWN OF BOW MAR, COLORADO BOARD OF TRUSTEES
MINUTES OF THE SPECIAL MEETING
OCTOBER 23, 2019**

CALL TO ORDER: The special meeting of the Board of Trustees of the Town of Bow Mar was called to order on Monday, October 23, 2019 by Mayor Feldkamp. The meeting was held at 4690 Bow Mar Drive, Bow Mar, CO 80123. The meeting was called to order at 7:10 p.m.

PRESENT:

Mayor	Tom Feldkamp
Trustees	David Wadsworth Marsha Dennis Margo Ramsden Leslie Hinton Steve Fabricant
Clerk	Angie Kelly
Attorney	Kathie Guckenberger
Architect	Kim Cattau

ABSENT:

Trustee	Jane Carlson
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Mayor Feldkamp stated that the Board of Trustees meeting is suspended and the Board of Adjustment meeting was called to order at 7:11 p.m. At this time, the public hearing for the variance request was also opened.

Architect, Kim Cattau, was present to speak on behalf of 5275 Sky Trail regarding the variance request from the zoning restriction that restricts building coverage, proposing new square footage offset by removed square footage for a total that matches the existing coverage.

Mayor Feldkamp asked Ms. Cattau why the homeowner decided to proceed with the variance request given the Design Review Board did not support the request for the variance? Ms. Cattau outlined that the homeowner's thought process is that it is the net square footage is equal so they were hoping for approval. It was noted that the house is non-compliant with the square footage being over the allotted size as compared to the lot size. This would not change with the variance but it would not increase the square footage on the lot. Ms. Cattau also pointed out that the renovation to the home would not move any walls closer to the boundary lines. There are no proposed roof line changes, no height additions, and no encroaching any further on property lines or setbacks.

Ms. Cattau outlined the changes to be made: 213 square feet would be moved from the back of the house and will be built out near the front entry of the home. The square footage would be the same, just moving from the back of the home to the front of the home. The square footage will be used for a hallway/entry area for guest quarters. The homeowners' parents visit from out of state and stay for extended periods of time. This hallway/entry area gives them a separate entrance to their living area. This area is deliberately designed so the exterior wall would sit farther away from the street than the garage. Renderings were discussed regarding this.

It was noted that this is a legal non-conforming use of a structure on property because the regulations were not in place when the home was built. It was also noted that the homeowner understands this fact.

Attorney Guckenberger outlined, from the code, the reasons a variance can be granted. It was also discussed that a hardship needs to be outlined for the variance. Ms. Cattau noted the extended visits from the out of state family and this would allow a separate entrance area for the family to have their own private space.

Mayor Feldkamp closed the public comment portion of the hearing at 7:25 p.m. so the Board could deliberate. Upon deliberation, it was discussed that there did not appear to be a hardship because there were other ways to address the issue. It was also discussed that the structure would still be over the allotted building allowance, regardless of this square footage move. Discussion also took place as to why the Design Review Board (DRB) did not send support for approval of the variance. It was noted that the structure exceeds the building limit size for the lot and the DRB did not feel as though they could support the excessive lot coverage.

Mayor Feldkamp moved to deny the variance based on the code requirements needed for a variance. Upon a second, by Trustee Fabricant, a roll call vote was taken. The motion carried unanimously, with Trustee Hinton recusing herself as she is not on the Board of Adjustment.

Fabricant – deny
Dennis – deny

Wadsworth – deny
Feldkamp – deny

Ramsden - deny

The public hearing was closed at 7:38 p.m., the Board of Adjustment was adjourned, and the Board of Trustees reconvened.

Trustee Wadsworth moved to go into executive session for the following purpose at 7:39 p.m.: to confer with the Town Attorney pursuant to C.R.S. Section 24-6-402(4)(b) to receive legal advice on specific legal questions, and specifically, obtaining legal advice regarding strategies for traffic mitigation in the Town, and obtaining advice as needed from the Town Attorney on any related legal issues.

Upon a second, by Trustee Dennis, a vote was taken and the motion carried unanimously.

Mayor Feldkamp opened the executive session with the following statement.

It is October 23, 2019, and the time is now 7:39 p.m. For the record, I am Mayor Tom Feldkamp. As required by the Open Meetings law, this executive session is being electronically recorded. Also present at this executive session are the following persons: Mayor Tom Feldkamp, Trustee Marsha Dennis, Trustee Ramsden, Trustee Wadsworth, Trustee Fabricant, Trustee Hinton, Deputy Town Clerk Kelly, Town Attorney Guckenberger. This is an executive session for the following purpose: This is an executive session being conducted pursuant to Section 24-6-402 (4)(b) of the Colorado Revised Statutes for the purpose of receiving legal advice from the Town Attorney regarding strategies for traffic mitigation in the Town, and obtaining advice as needed from the Town Attorney on any related legal issues.

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session. If at any point in the executive session any

participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and state an objection.

I hereby attest that this recording reflects the actual contents of the discussion in the executive session called pursuant to Sections 24-6-402(4)(b) and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings law. The time is now 8:15 p.m., and we now conclude this executive session and return to the open meeting.

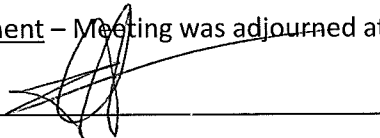
The time is now 8:15 p.m. and the executive session has been concluded. The participants in the executive session were: Mayor Tom Feldkamp, Trustee Marsha Dennis, Trustee Ramsden, Trustee Wadsworth, Trustee Fabricant, Trustee Hinton, Deputy Town Clerk Kelly, Town Attorney Guckenberger.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings law, I ask that you state your concerns for the record.

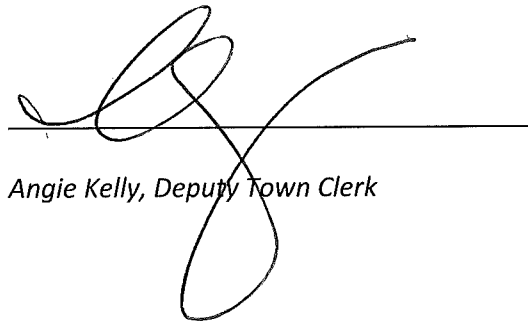
Hearing none, the meeting will continue.

Discussion took place regarding the draft traffic study and traffic survey and how they should be distributed to the Town's residents. Ms. Kelly will formalize the survey results into a document that can be posted on the Town website. Once both the traffic study and the survey results are finalized, a memo will be drafted to be distributed to the Town and the survey results and traffic study will be included as exhibits to that memo. This memo will include the next steps that the Town is looking to take regarding this process.

Adjournment – Meeting was adjourned at 8:35 pm.



Tom Feldkamp, Mayor



Angie Kelly, Deputy Town Clerk