



**CITIZEN ADVISORY BOARD MEETING**  
Zoom Webinar and Town Council Chamber  
3 S. Timber Ridge Parkway, Severance, CO 80550

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**AGENDA**  
**CITIZEN ADVISORY BOARD MEETING**  
**Wednesday, May 1, 2024, at 6:00 PM**

**A. CALL TO ORDER**

1. Roll Call
2. Pledge of Allegiance
3. 4.03.24 Minutes

**B. REGULAR MEETING**

1. **Council Member Petition: Proposed Letter to Governor**
  - Discussion
  - Staff Presentation: Nicholas Wharton, Town Manager
2. **Council Member Petition: Board of Adjustments/Variance Discussion**
  - Discussion
  - Staff Presentation: Nicholas Wharton, Town Manager

**C. COMMUNICATIONS**

*Commission approval may be sought for administrative actions in association with staff reports.*

1. Town Staff
2. Town Management
3. Board Members

**D. ADJOURN**

**Citizen Advisory Board MEETING**  
*Wednesday, May 1, 2024, 6:00 PM (MDT)*

*Registration URL*  
[https://us02web.zoom.us/webinar/register/WN\\_MVhoLgSURjeRmH\\_U15jYYg](https://us02web.zoom.us/webinar/register/WN_MVhoLgSURjeRmH_U15jYYg)

*The Town of Severance does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. For disabled persons needing reasonable accommodation to attend or participate in a town service, program, public meeting, or activity, call 970-686-1218 at least 72*

*hours in advance. Disabled access is available from the front entrance of the Town Hall.*



**CITIZEN ADVISORY BOARD MEETING**  
Zoom Webinar and/or Town Council Chamber  
3 S. Timber Ridge Parkway, Severance, CO 80550

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**MEETING MINUTES**

**Wednesday, April 3, 2024, at 6:00 PM**

**Present:**

**Chair:** Josh Green  
**Vice-Chair:** Colin McManus  
**Board Members:** Karen Heseler, Tad Borrett, & Rick Vandenberg  
**Absent:** Marissa Riopelle & Ashley Jacobson

**Audience:** Mayor Matt Fries & Mayor Pro-tem Duda

**Staff:**

Nicholas Wharton, Town Manager  
Lindsay Radcliff-Coombes, Deputy Town Manager  
David Bruen, Board Liaison  
Leah Vanarsdall, Town Clerk

**A. CALL TO ORDER**

1. Roll Call
2. Pledge of Allegiance

**B. REGULAR MEETING**

**1. 3.06.24 Minutes**

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- Staff Presentation:

**MOTION WAS MADE BY Member Hessler**, seconded by Member Borrett to approve the 3.06.24 Minutes. All Board Members present voting Yes,

**MOTION PASSED**

**2. Transportation Utility Fee Discussion**

Discussion was held, and it is recommended for Council to leave the current fee in place until after the November Ballot Issue has been voted on.

**C. COMMUNICATIONS**

*Commission approval may be sought for administrative actions in association with staff reports.*

1. Town Management

**2. Council Liaison**

3. Committee Members

**D. ADJOURN**

8:05 pm

**TOWN OF SEVERANCE**

**ATTEST:**

\_\_\_\_\_  
Josh Green, Chair

\_\_\_\_\_  
Leah Vanarsdall, MMC, Town Clerk



## AGENDA ITEM SUMMARY

| AGENDA ITEM                                                                                                                                                                                     | SUBMITTED BY                      | PRESENTED BY                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------|
| Council Member Petition:<br>Proposed Letter to Governor                                                                                                                                         | Nicholas Wharton, Town<br>Manager | Council Member Gagliardi                                   |
| <b>ACTION REQUESTED</b>                                                                                                                                                                         |                                   |                                                            |
| Management asks that the Citizen Advisory Board review and discuss the proposed Letter to the Governor and provide any comments or suggestions to Council Member Gagliardi they deem necessary. |                                   | <b><u>Action Requested</u></b><br><b><u>Discussion</u></b> |
| <b>BRIEF SUMMARY</b>                                                                                                                                                                            |                                   |                                                            |
| This proposed agenda item was a council member petition by Council Member Gagliardi.                                                                                                            |                                   |                                                            |
| <b>PUBLIC SUPPORT/CONCERN</b>                                                                                                                                                                   |                                   |                                                            |
| None at this time.                                                                                                                                                                              |                                   |                                                            |
| <b>ANALYSIS AND RECOMMENDATION</b>                                                                                                                                                              |                                   |                                                            |
| Management asks that the Citizen Advisory Board review and discuss the proposed Letter to the Governor and provide any comments or suggestions to Council Member Gagliardi they deem necessary. |                                   |                                                            |
| <b>MATERIALS SUBMITTED</b>                                                                                                                                                                      |                                   |                                                            |
| The following materials were submitted and included in this packet:<br>1. LetterToTheGovenor240424                                                                                              |                                   |                                                            |

The Honorable [Governor's Name]  
Office of the Governor  
136 State Capitol Building  
Denver, CO 80203  
Dear Governor [Governor's Last Name],

We, as elected and appointed officials representing the interests of our community, are writing to you with a shared concern regarding partisan issues that are impacting not only our state but also our town, Severance, Colorado.

Colorado's designation as a Sanctuary State and the fiscal responsibility of this designation have become pressing matters affecting our communities. We believe it is crucial to address these issues collectively to ensure the well-being and prosperity of all residents.

Recently, Severance was approached by the City of Denver with a request to accommodate undocumented migrants and refugees. While we empathize with the plight of these individuals, Severance lacks the necessary infrastructure and resources to support any significant influx of homelessness. Such a move would strain our community's resources and jeopardize the quality of life for our residents.

As an example of this strain, Denver Health provided more than \$130 million in uncompensated care last year. Leaders say about \$10 million of that was for migrant care. From October through December, migrants made up about 10% of emergency department visits. These statistics underscore the significant strain that the issue of migrant care places on our state's healthcare system, further emphasizing the need for a comprehensive and sustainable solution.

Additionally, the issue of undocumented migrants or refugees is a federal issue and not one that our state, which does not share a border with another country, should bear the burden of. It is our belief that once all undocumented people are properly processed and documented, they can then have the freedom to live wherever they want and enjoy the rights and freedoms of our great nation.

Colorado's long standing reputation as a politically "purple" state has been a source of pride for many of us. This designation signifies an electorate that is informed, engaged, and capable of making decisions based on a comprehensive understanding of the issues at hand. However, the current state of partisan politics and rhetoric in our country is impeding progress on critical matters.

We believe it is imperative to transcend partisan divides and work together in pursuit of practical solutions that benefit all Coloradans. By fostering an environment of collaboration and constructive dialogue, we can address the challenges facing our state and pave the way for meaningful progress.

Governor, we urge you to consider the concerns raised in this letter and to prioritize bipartisan cooperation in your administration's policies and initiatives. Together, we can uphold Colorado's legacy as a beacon of progress and unity.

Thank you for your attention to this matter. We look forward to your leadership in guiding our state towards a brighter and more prosperous future for all.

Sincerely,  
[Your Name]  
[Your Position/Title]  
[Your Contact Information]



## AGENDA ITEM SUMMARY

| AGENDA ITEM                                                                                                                                                                                                                | SUBMITTED BY                   | PRESENTED BY                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------|
| Council Member Petition: Board of Adjustments/Variance Discussion                                                                                                                                                          | Nicholas Wharton, Town Manager | Council Member Meyers                                      |
| <b>ACTION REQUESTED</b>                                                                                                                                                                                                    |                                |                                                            |
| Management asks that the Citizen Advisory Board review and discuss the proposed processes for the Board of Adjustments and Variances and provide any comments or suggestions to Council Member Meyers they deem necessary. |                                | <b><u>Discussion</u></b><br><b><u>Action Requested</u></b> |
| <b>BRIEF SUMMARY</b>                                                                                                                                                                                                       |                                |                                                            |
| This proposed agenda item was a council member petition by Council Member Meyers.                                                                                                                                          |                                |                                                            |
| <b>PUBLIC SUPPORT/CONCERN</b>                                                                                                                                                                                              |                                |                                                            |
| None at this time.                                                                                                                                                                                                         |                                |                                                            |
| <b>ANALYSIS AND RECOMMENDATION</b>                                                                                                                                                                                         |                                |                                                            |
| Management asks that the Citizen Advisory Board review and discuss the proposed processes for the Board of Adjustments and Variances and provide any comments or suggestions to Council Member Meyers they deem necessary. |                                |                                                            |
| <b>MATERIALS SUBMITTED</b>                                                                                                                                                                                                 |                                |                                                            |
| <p>The following materials were submitted and included in this packet:</p> <ol style="list-style-type: none"> <li>ARTICLE_6__Board_of_Adjustment</li> <li>Sec._16.19.150.__Variances.</li> </ol>                           |                                |                                                            |

## **ARTICLE 6 Board of Adjustment**

### **Sec. 2-6-10. Authority.**

Pursuant to the authority granted to municipalities in Section 31-23-307(4), C.R.S., the Town Council has authority to transfer to another board, agency or commission the authority of the Board of Adjustment. The Town Council, by this Article, appoints the Town Council, as such authority. All appeals taken from any building official or administrative official of the Town shall be heard by the Town Council, sitting as the Board of Adjustment.

### **Sec. 2-6-20. Designation of Town Council.**

The Town Council is hereby designated as the agency of the Town which has the authority to make decisions pursuant to Section 31-23-307(1), C.R.S.

### **Sec. 2-6-30. Appeals.**

Any appeal to the Board of Adjustment shall be taken by filing a notice with the Town Clerk and setting forth the order to be appealed. Such notice shall be filed with the Town Clerk no later than twenty (20) days after entry of the order appealed from. The officer from whom the appeal is taken shall thereafter at once transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

### **Sec. 2-6-40. Quorum; vote.**

The Board of Adjustment shall not act on any matter brought before it unless at least five (5) members of the Board of Adjustment are present for such hearing. The affirmative vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or termination of any building or other administrative official or to decide in favor of the applicant in a matter upon which it is required to act.

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## **Sec. 16.19.140. Appeals.**

- (a) Purpose. The appeals process allows for the review of a Town Staff decision, as permitted under this Code, to determine if there was an error or abuse of discretion in any order, requirement, decision, determination, refusal, or interpretation made by any Town Staff in interpreting and/or enforcing the provisions of this Code. Is the intention of this Section that all questions arising in connection with the interpretation and enforcement of this Code shall be presented first to the appropriate department, that such questions shall be presented to the Board of Adjustment only on appeal from the decisions of that Department, and that recourse from the decision of the Board of Adjustment shall be to the courts. It is further the intention of this Section that the duties of the Town Council in connection with this Code shall not include the hearing or passing upon disputed questions that may arise in connection with the enforcement thereof.
- (b) Review criteria. The Board of Adjustment's review shall be limited to consideration only of the record before the decision-maker. The standard of review for such an appeal shall be limited to an "abuse of discretion." Under this standard, the Board of Adjustment may only overturn the contested action if it finds that the decision-maker abused its exercise of discretion.
  - (1) The technical meaning of the provision being appealed.
  - (2) Evidence of the way the provision has been interpreted in the past.
  - (3) The positive or negative impact of the requested appeal on the achievement of stated development goals and policies of the Town, as outlined in this Code.
  - (4) The intent of the provision in implementing the Comprehensive Plan and other adopted plans and/or policies of the Town.
- (c) Review procedures. Appeal requests shall be filed in writing with the Town no later than fifteen (15) days from the date of the order, requirement, decision, or determination being appealed. Failure to make a timely and complete appeal request shall be considered a waiver of the appellant's rights to appeal to the Town's Board of Adjustment.
  - (1) An appeal to the Board of Adjustment may be brought by any person, firm, corporation, office, department, board, bureau, or commission aggrieved by the order, requirement, permit, decision, or determination that is the subject of the appeal, or by the Manager, on behalf of the Town.
  - (2) Appeals must be filed with the Town Clerk.
  - (3) Applicants for an appeal request must submit the following to be deemed a complete appeal request.
    - a. Written notice of the appeal on a form approved by the Town.
    - b. A description and the date of the final order, requirement, decision, or determination being appealed.
    - c. A description of the grounds for the appeal, including specific allegations of error.
  - (4) An appeal halts all proceedings in furtherance of the order, requirement, decision, or determination appealed from unless the Town certifies that it could cause imminent peril to life or property.
  - (5) Once the appeal is determined to be complete, the Manager shall schedule review and action by the Board of Adjustment.
  - (6) The Board of Adjustment shall complete its review at a public meeting and render its decision, by majority vote, to uphold or deny the decision on the item or contested action being appealed within thirty (30) days of reviewing an appeal.

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- (7) The Board of Adjustment will have available to it the entire record of the contested action that was presented to or conducted before the applicable decision-maker.
- a. While the Board of Adjustment will not be considering any new evidence or information, the appellant has submitted an appeal request containing written argument, and the appellant will have an opportunity to submit arguments orally to the Board of Adjustment regarding its position in the appeal.
  - b. The chair may place reasonable restrictions on such arguments, but the decision to place any such limits or specific parameters on the conduct of the proceeding is entirely up to the chair. For example, the chair may limit the length of time for appellant's initial oral argument to thirty (30) minutes as well as limit the length of time for the Board of Adjustment's questioning of the appellant to thirty (30) minutes.
  - c. An appellant shall be notified in writing of any such limitations in advance. Furthermore, an appellant shall be given an opportunity to reserve any portion of their time allotted for initial oral argument for use during the period of Board of Adjustment questioning or to make final statements after Board of Adjustment questioning (for example, the appellant may only want to use ten (10) of their thirty (30) minutes to make their initial arguments, and reserve ten (10) of the remaining twenty (20) minutes for use to address questions and ten (10) minutes for their final statement to the Board after addressing Board questions).
  - d. Finally, the appellant shall be entitled to make a closing argument before Board deliberation.
- (8) Following the oral argument before the Board, the Board of Adjustment will deliberate and render a decision on the appeal request.
- (d) Effect of decision. The Board of Adjustment's decision shall be final and appealable.
- (1) Appeals from decisions made by the Board of Adjustment shall be to the courts pursuant to the applicable Colorado Rules of Civil Procedure.
- ( Ord. No. 2023-08 , §6)

### **Sec. 16.19.150. Variances.**

- (a) Purpose. The variance process is intended to provide limited relief from the requirements of this Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise permitted under this Code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Code may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.
- (b) Limitations.
  - (1) Variances may be issued for the following dimensional standards: (i) setbacks (primary and accessory structures); (ii) lot frontage; (iii) lot coverage; (iv) building height (primary and accessory structures); (v) sign area or height; and (vi) parking.
  - (2) No variance shall be granted to permit a use of land not otherwise permitted in the applicable zone district.

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- (3) A lot width or area variance associated with a subdivision will be considered as part of the subdivision process, except that no minor subdivision plat shall be processed by the Town if it involves a lot width or area variance.
  - (4) No variance shall be granted to increase the size or height of signs by more than ten percent (10%) above the requirements and limitations of this Code.
  - (5) No variance shall be granted to decrease the amount of required parking by more than ten percent (10%) below the requirements of this Code.
  - (6) No variance shall be granted to change either (a) a condition attached to an approved rezoning or special use, (b) a condition attached to an approved site plan; or (c) a condition attached to an approved final plat.
  - (7) The Board of Adjustment may not change or alter this Code or change the zoning district map of the Town.
- (c) Review criteria. The Board of Adjustment may approve a variance only if it finds that there is an exceptional and undue hardship, whereby the application falls within any one (1) of the categories set forth in paragraphs (1), (2) or (3) of this subsection, and the application satisfies any one (1) of the criteria of paragraph (4) through (7) of this subsection.
- (1) Disability. There is a disability affecting the owners or tenants of the property or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the disabled person to utilize or access the property.
  - (2) Unusual conditions. There are unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness, or shallowness of the lot; or exceptional topographical or other physical conditions, unique to the affected property; and
  - (3) Compatibility. The property could be developed in conformity with the provisions of this Chapter, but the proposed variance will result in a building or structure form that is reasonable, customary, and consistent with or more compatible, in terms of building height, siting, and design elements, with the existing neighborhood in which the subject property is located.
  - (4) Hardship.
    - a. Without the variance, there is no reasonable use of the property; or
    - b. Strict compliance prevents improvement of the property in a manner which is reasonable, customary, and consistent with other properties in the area; or
    - c. Strict compliance would require significant or unjustified expense in light of the scope of the project, or would result in destruction or demolition of all or a portion of the existing building, structure, or other attractive features of the property; or
    - d. If the variance is denied, the development or use of the property cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same zoning district; provided, however, that loss of a more convenient or profitable use of property, or similar financial advantage, that similar variances have been granted elsewhere, or the fact that a more profitable use of the property might be had if a variance were granted are not grounds for a variance.
  - (5) Exceptional hardship.
    - a. The hardship is one (1) suffered by the applicant alone and not by neighbors or the general public; or

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- b. The hardship is unique and unusual, or so, rather than one (1) shared by many surrounding properties.
  - (6) Undue hardship.
    - a. the hardship is not the result of the applicant's own actions; or
    - b. The hardship is the result of predecessors in interest of the property, which could not have been foreseen to create difficulty in complying with this Article for future improvements.
  - (7) Degree of requested variance.
    - a. The requested variance the minimum that will afford relief and the least possible modification of the requirements of the zoning code; or
    - b. the variance will neither result in the extension of a nonconforming situation, nor authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the comprehensive plan and this Code; or
    - c. Corrective measures can be imposed upon the variance request to mitigate or to protect neighboring properties against the anticipated, expected impacts or adverse effects of the variance.
  - (d) Variance procedures.
    - (1) A request for variance may be initiated only by the property owner or their authorized representative.
    - (2) A complete application shall include the following minimum requirements:
      - a. A written request with the relief sought, together with the justification for the variance request, specifying the facts or circumstances that are alleged to show that the application meets the approval criteria.
      - b. A conceptual site plan or plot plan with necessary information to review the request in relation to existing site conditions and the criteria of this Code.
    - (3) A variance request shall be processed prior to or concurrently with a site plan application, as required by the Town.
    - (4) Following review of the request by staff and necessary referral agencies, and any necessary resubmittal(s), the Town shall schedule review by the BOA.
    - (5) The Board shall conduct a public hearing on the proposed variance.
    - (6) Approval by a majority of the Board present shall be necessary to grant a variance.
      - a. The Board may impose conditions or special requirements that best assure the criteria for approval are in place and maintained by the applicant, or to mitigate anticipated impacts of the variance, and that any violation of these conditions shall be considered a violation of an approval.
  - (e) Effect of decision. Upon determination of a variance, the findings of approval or denial shall be by resolution with the justifications set forth. Upon approval, the applicant may proceed with the next steps in the process including but not limited to a site plan or building permit application.
  - (f) Lapse. Any variance granted shall become null and void:
    - (1) If the variance is not exercised (e.g., building permit obtained, substantial construction commenced) within one hundred eighty (180) days of the date it is granted;
    - (2) If the approval or conditions of approval of the variance is violated;

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- (3) If the Manager finds that redevelopment or modification of the subject property makes compliance with this Code possible without the previously approved variance; or
  - (4) If the Manager finds that the alleged hardship or difficulty upon which the variance is based has been eliminated.

( Ord. No. 2023-08 , §6)