

Starwood Board of Directors

Encroachment Hearing

March 23, 2022, 7:00pm

1. Roll Call: Jim Porter (President) Tina Galloway (Vice President) Deb Garley (Treasurer) Cheryl Pierce (Secretary) and Geri Wildenberg (Member at Large) all present.

2. Jim reviewed hearing format:

The intention of this hearing is to gather information and to give the accused a chance to be heard and present any evidence they chose. The board and the member appearing will be the only persons allowed to speak or present. In this format, other members are allowed to attend, but not to comment or present evidence, as they have no standing in the issue being reviewed.

Each accused, and scheduled, of encroachment will have 15 minutes to present followed by 30 minutes of follow up questions from the board. There also is an option for the member to not be present at the meeting but to have their written evidence presented.

3. 20786 North Star Way, Catherine Smith and Cynthia Manhart have submitted a letter to be presented on their behalf. They are in admittance of an encroached fence that extends off their garden shed on their property. They state that based on the property markers and arial photo they believe their garden shed is within their property line. They are asking for time to have a back corner pin located and a contractor move and replace the fence on their property.

Jim made a motion confirming that 20786 North Star Way has an encroachment. Geri seconded the motion. All board members voted in agreement confirming this encroachment.

Deb made a motion that we allow six months from today, till September 23, 2022 for them to have the work completed. Tina seconded the motion. All board members voted in favor.

4. 20821 Dione Way, Allison Barrett, has submitted a letter to have the information presented on her behalf. She is in admittance of an encroachment; she has a play structure in the common land that has been there for 4 years. She states that when she first moved to Starwood, she was able to have items in the common land if they weren't permanent and/or didn't block mountain views. She states the play structure is not a permanent structure and does not block mountain views. She has asked for an extension on removing the swing set till June 2022.

Geri made a motion confirming that 20821 Dione Way has an encroachment. Jim seconded the motion. All board members voted in agreement confirming the encroachment.

Jim made a motion to allow 3 months, till June 23, 2022, to remove play structure off the common land. Deb seconded the motion. All board members voted in favor.

5. 20860 Dione Way, Jim Schmidt, has submitted a letter to have the information presented on his behalf. He is in admittance of an encroached fence. He is in the process of selling the house to the person currently renting the house. He has asked for six months to complete this work.

Jim made a motion to allow a permit for Jim and the person buying the property 6 months, till September 23, 2022, to complete the work moving the fence in compliance with the property boundaries. Geri seconded the motion.

All board members voted in favor of 6 months to complete the work.

6. 64707 Alcor Place, Julie Gorman, has requested a hearing and chance to speak. Julie presented information that she has owned the house for 18 years and bought the property with the fence in its current location. She claims that the prior owner also utilized the fence for 10 years prior to her purchasing the property. She states she can not afford a new fence and that a new fence would inhibit her view and privacy. She claims a right to adverse possession.

She also states that she is not comfortable with the zoom format and would prefer to discuss this in person. Jim suggested that two members of the board could meet with her to discuss this. The hole board could not meet with her in person because that would constitute a quorum and would have to be a public meeting. Jim and Tina have agreed to find time to meet her in person.

Jim made a motion to deliberate with the lawyer concerning this case. Tina seconded the motion. All board members vote in favor of consulting with the lawyer regarding this case.

7. Move to close: **Deb made a motion to close the meeting. Geri seconded the motion.**