

Date: Tuesday, November 26, 2024
Time: 6:00 PM
Location: Hybrid - In-Person: Hearing Room 1st Floor, 200 West Oak Street, Fort Collins or Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_p73VDnl6RIu85E4iP8mixw

BOARD OF ADJUSTMENT HEARING MINUTES

The regular meeting of the Larimer County Board of Adjustment was held in the County Board Hearing Room in the Larimer County Administrative Services building, Fort Collins, Colorado and virtually via Zoom at 6:00 p.m., November 26, 2024, at which time the following business was transacted.

Board Members Present: Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock

Staff Present: Kassidee Fior (Principal Planner), Shalana Lysaght (Community Development Business Operations Supervisor), Laura Culleton and Jacy McNulty (County Planners), Alan Kee (Code Compliance Inspector), Ryane Oswandel (Community Information Resource Tech) and Christine Luckasen (Assistant County Attorney)

Minutes:

June Board of Adjustment meeting: David Leighton moved and Forrest Hancock seconded the Motion to approve the June 25, 2024 Minutes of the Larimer County Board of Adjustment as presented. Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion. The Minutes were unanimously approved.

October Board of Adjustment meeting: David Leighton moved and Forrest Hancock seconded the Motion to approve the October 22, 2024 Minutes of the Larimer County Board of Adjustment as presented. Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions:

Lee Taylor moved and Lauren Light seconded the Motion to approve the following Findings and Resolutions: Waverly Ranch, LLC Setback Variance (#24-ZONE3602), Clark/Double K Ranch, LLC Setback Variance (#24-ZONE3527), and Debin Setback Variance (#24-ZONE3699). Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion.

Consent Applications:

The following applications were approved by consent:

File No: #24-ZONE3602 (Waverly Ranch, LLC Setback Variance)
Owner: Waverly Ranch LLC
Applicants: Amanda McGee, David Erickson and Jim Bunkers

Request: The Application of Amanda McGee, David Erickson and Jim Bunkers, requesting three variances was presented to the Board. The Application requested setback variances to allow:

1) A proposed home addition to be 78.4 feet from the centerline of County Road 15 when 100 feet would have otherwise been required.

2) A proposed home addition to be 83 feet and 4 inches from the centerline of County Road 15 when 100 feet would have otherwise been required.

3) An existing shed to be 48 feet from the centerline of County Road 15 when 100 feet would have otherwise been required.

Action: There were no requests from the public, the Board, or Staff to have a full hearing on this request and therefore it remained on the Consent Agenda. Lee Taylor moved and Lauren Light seconded the Motion to approve the Application with the following conditions:

1. Failure to comply with any conditions of the variance approval may result in reconsideration of the use and possible revocation of the approval by the Board of Adjustment.

2. These variances are only for the buildings or structures as submitted with this variance application. All future buildings, additions, and improvements must meet County setback requirements or must go through the proper County review and permit process prior to construction.

3. The approval of this variance shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

4. The Larimer County Building Division must be provided with a written certification by a Colorado Licensed Land surveyor that the existing and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.

5. The applicant must comply with the conditions and recommendations of referral agencies within this variance request, File No. 24-ZONE3602, including, but not limited to adhering Larimer County Health Department comments pertaining to proposed structures maintaining required setbacks from septic facilities on the site and Community Development requirements for building permits required for the proposed and existing structures as well as the removal of the illegal access identified by Larimer County Engineering.

Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion. The Application was approved with conditions.

File No: #23-ZONE3527 (Clark/Double K Ranch, LLC Setback Variance)

Owner: Jarred Clark

Applicants: Jarred Clark and Robert Foster

Request: The Application of Jarred Clark and Robert Foster, requesting six variances was presented to the Board. The Application requested setback variances to allow:

1) An existing addition to the Bluebird Cabin, building No. 1, to be located 8.7 feet from the front lot line and 3.3 feet from the southern side lot line when 15 feet and 10 feet would typically be required.

2) An existing addition to the Chickadee Cottage, building No. 2, to be 3.9 feet from the southern side lot line when 10 feet would typically be required.

3) An existing addition to Eagle Plume Cabin, building No. 3, to be located 5.3 feet from the southern side lot line when 10 feet would typically be required.

4) An existing non-conforming structure, referred to as the Red Robin Cabin, or building No. 4, to be located 1.2 feet from the northern side lot line when 10 feet would typically be required.

5) An existing non-conforming structure, referred to as the Storage Cabin, or building No. 5, to be located 1.4 feet from the northern side lot line when 10 feet would typically be required.

6) An existing storage shed to be located 7.1 feet from the northern side lot line when 10 feet would typically be required.

Action: There were no requests from the public, the Board, or Staff to have a full hearing on this request and therefore it remained on the Consent Agenda. Lee Taylor moved and Lauren Light seconded the Motion to approve the Application with the following conditions:

1. Failure to comply with any conditions of the variance approval may result in reconsideration of the use and possible revocation of the approval by the Board of Adjustment.

2. These variances are only for the buildings or structures as submitted with this variance application. All future buildings, additions, and improvements must meet County setback requirements or must go through the proper County review and permit process prior to construction

3. The approval of this variance shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

4. The Larimer County Building Division must be provided with a written certification by a Colorado Licensed Land surveyor that the existing and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.

5. The owners of this lot will comply with all required Community Development requirements for building permits for the proposed structure within this variance request, File No. 23-ZONE3527.

Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion. The Application was approved with conditions.

File No: #24-ZONE3699 (Debin Setback Variance)
Owner/Applicant: Terri Debin

Request: The Application of Terri Debin, requesting a variance was presented to the Board. The Application requested a setback variance to allow a new single-unit home and accessory living area to be located 7 feet from the south property line where 25 feet would be required.

Action: There were no requests from the public, the Board, or Staff to have a full hearing on this request and therefore it remained on the Consent Agenda. Lee Taylor moved and Lauren Light seconded the Motion to approve the Application with the following conditions:

1. Failure to comply with any conditions of the variance approval may result in reconsideration of the use and possible revocation of the approval by the Board of Adjustment.

2. All future additions or buildings that would be within setbacks as defined in the Land Use Code must go through the proper county review and planning process prior to construction.

3. The approval of this variance shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

4. The Larimer County Building Division must be provided with a written certification by a Colorado Licensed Land surveyor that the existing and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.

5. Prior to applying for a building permit for the proposed single-unit residence and accessory living area, the applicant must obtain a demolition permit through the Larimer County Building Division for the existing cabin and garage.

Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion. The Application was approved with conditions.

Discussion Applications:

The following applications were approved after discussion:

File No: #24-ZONE3708 (Kucera Setback Variance)

Owners: Lana Kucera and Lindsay Kucera

Applicant: Jesse Applegate

Request: The Application of Jesse Applegate requesting a variance was presented to the Board. The Application requested a setback variance to allow construction of a proposed single-unit dwelling and detached garage to be located no less than 8 feet from the road easement where 25 feet is required.

Action: The request was removed from the consent agenda for a full proceeding.

Discussion: During the hearing, Board Member San Filippo asked the applicant to clarify where on the property the home and the garage would be located. Staff and the applicant clarified with the Staff PowerPoint.

During the hearing, Board Member Hancock asked if excavation had already begin, the applicant explained that the County Staff permitted the applicant to excavate the land to determine the feasibility of building on the lot. During the hearing, Board Member San Filippo asked about the placement of the garage based on the topography. The applicant explained that the placement of the garage was ultimately based on the property owner's desires. During the hearing, Board Member San Filippo stated that the land looks relatively flat, the applicant clarified that the land is not flat, that it does have a slope. During the hearing, Board Member Taylor asked about the road easement near the property, Staff explained that the easement is not a right-of-way and that the property lines go to the center of the road easement.

During deliberation, the Board members asked Staff to clarify how far the proposed setbacks would be from the actual used road, not just the road easement itself. Staff explained that the road easement is larger than the actual used road itself.

Forrest Hancock moved and Lee Taylor seconded the Motion to approve the Application with the following conditions:

1. Failure to comply with any conditions of the variance approval may result in reconsideration of the use and possible revocation of the approval by the Board of Adjustment.

2. All future additions or buildings that would be within setbacks as defined in the Land Use Code must go through the proper county review and planning process prior to construction.

3. The approval of this variance shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

4. The Larimer County Building Division must be provided with a written certification by a Colorado Licensed Land surveyor that the existing and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.

5. No parking is permitted in the 60-foot private access, drainage, and utility easement along Bighorn Road.

Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion. The Application was approved with conditions.

File No: #24-ZONE3702 (Troiano Setback Variance)

Owners: Brenda and Stephen Troiano

Applicant: Stephen Toriano

Request: The Application of Stephen Toriano, requesting two variances was presented to the Board. The Application requested setback variances to allow:

1) a proposed single-unit home to be located 10 feet from the front property line, where 25 feet is required.

2) a proposed detached garage to be located 15 feet from the front property line, where 25 feet is required.

Action: The request was removed from the consent agenda for a full proceeding.

Discussion: During the hearing, Board Member Hancock asked about how no parking on the road would be enforced by the County. Staff explained that the intent of the condition is to have the property owners park in the driveway or garage, and to not have the vehicles partially in the driveway and partially in the road. During the hearing, Board Member Light asked about the public comment concerning the viewshed. Staff explained that the maximum height for structures in this area is 40 feet and that the applicant has not asked for a variance for a taller structure. During the hearing, Board Member San Filippo asked about the well permit for the land and about whether they would be asked to connect to the public water. The applicant stated that they are connecting to the public sewer.

Lauren Light moved and Lee Taylor seconded the Motion to approve the Application with the following conditions:

1. Failure to comply with any conditions of the variance approval may result in reconsideration of the use and possible revocation of the approval by the Board of Adjustment.

2. This variance is only for the buildings or structures as submitted with this variance application. All future buildings or additions must go through the proper County review and permit process prior to construction.

3. This approval shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

4. The Larimer County Building Division must be provided with a written certification by a Colorado Licensed Land surveyor that the existing and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.

5. No parking is permitted in the 50-foot-wide Evensong Court public right-of-way.

Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion. The Application was approved with conditions.

File No: #24-ZONE3704 (Meyers & Morrison Setback Variance)

Owners: Chris Morrison and Karie Meyers

Applicant: Chris Morrison

Request: The Application of Chris Morrison, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed detached garage to be located 5 feet from the front property line where 25 feet is required.

Action: The request was removed from the consent agenda for a full proceeding.

Discussion: During the hearing, the applicants clarified that they were no longer pursuing a 3-foot setback and were only pursuing a 5-foot setback variance request. During the hearing, the applicants also stated that the topography of the property has a lot of tree cover, which led them to request the proposed variance to preserve many trees on the property. During the hearing, Board Member Hancock asked whether the road was County right-of-way. Staff explained that the road is a County right-of-way and the applicants stated that the road is privately maintained by the property owners that use the road. During the hearing, Staff explained that the Department of Health and Environment is in support of this proposed variance because it keeps vehicles and structures away from the existing septic lines. During the hearing, Board Member San Filippo asked if there were any plans to change the location or size of the existing roadway. The applicants stated that there are no plans to change the existing roadway in any way. During the hearing, Board Member Hancock asked about the road conditions in the winter. The applicants stated that the property owners do their own plowing of the road and keep the roadway cleared and accessible during the winter. The applicants also stated that they reached out to both of their adjacent neighbors about this application.

Lee Taylor moved and David Leighton seconded the Motion to approve the Application with the following conditions:

1. Failure to comply with any conditions of the variance approval may result in reconsideration of the use and possible revocation of the approval by the Board of Adjustment.
2. This variance is only for the buildings or structures as submitted with this variance application. All future buildings or additions must go through the proper County review and permit process prior to construction.
3. The approval of this variance shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.
4. The Larimer County Building Division must be provided with a written certification by a Colorado Licensed Land surveyor that the existing and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.
5. No parking is permitted in the 60-foot-wide Mills Moraine Drive public right-of-way.

Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock voted in favor of the Motion. The Application was approved with conditions.

Other business:

Board member Lee Taylor moved and Lauren Light seconded the motion to appoint Philip San Filippo as Chair of the Board. Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, and Forrest Hancock.

Adjournment: The meeting was adjourned at 7:10 p.m.

(These proceedings were recorded by audio tape.)