



Date: Tuesday, November 23, 2021
Time: 6:00 PM
Location: Virtual, Zoom link -https://larimer-org.zoom.us/webinar/register/WN_sCfL1by1TJSX2FqbaoSHIQ

BOARD OF ADJUSTMENT MINUTES

The regular meeting of the Larimer County Board of Adjustment was held virtually via Zoom at 6:00 p.m., November 23, 2021 at which time the following business was transacted.

Board Members Present: Carol Cochrane, Justin Smith, Joe Wise, Reba Tipton, Phillip San Filippo, and Lee Taylor

Staff Present: Lesli Ellis (Community Development Director), Don Threewitt (Planning Manager), Jenn Cram (Staff Liaison), Doug May, (County Planner), Christina Scrutchins (Community Information Resource Tech), Frank Haug, (Assistant County Attorney) and Andrew Lewis, (Assistant County Attorney)

Minutes: Joe Wise moved and Carol Cochrane seconded the Motion to approve the October 26, 2021 Minutes of the Larimer County Board of Adjustment as presented. Board members Carol Cochrane, Justin Smith, Joe Wise, Reba Tipton, and Lee Taylor voted in favor of the Motion. Member Phillip San Filippo abstained from voting. The Minutes were unanimously approved.

Findings and Resolutions: Staff Liaison Jenn Cram requested that the approval of the Findings and Resolution for the Stein Setback Variance (#21-ZONE3101) be postponed due to an issue with the notice requirements. Also noted that additional emails were forwarded by the Staff. Discussion concerning the meeting being properly noticed on the website and meeting the legal requirements of Land Use Code Section 6.3.7.D. Joe Wise moved and Lee Taylor seconded the Motion to find compliance with the notice requirements and approve the Stein setback without further hearing. Board members Carol Cochrane, Justin Smith, Joe Wise, Reba Tipton, and Lee Taylor voted in favor of the Motion. Member Phillip San Filippo abstained from voting.

Applications:

The following application was approved after discussion:

File No: #21-ZONE3104 (Verizon Wireless LLC Height Variance)
Owner: William, Robin, and Bryce Barker
Applicant: Evan Brooks on behalf of Verizon Wireless

Request: The Application of Evan Brooks on behalf of Verizon Wireless, requesting a variance was presented to the Board. The Application requested a height variance to allow construction of a faux silo for wireless

communication facilities to be 57 feet to the top of the lightning rod and 50 feet to the top of the silo building, rather than the required maximum height of 40 feet that is allowed in the RR-2 – Rural Residential zone district.

Action: The request was removed from the consent agenda by a member of the public for a full proceeding.

Staff presented the application. The property owner, Bryce Barker, spoke in support of the application. John Burcham appeared and spoke in opposition of the application based on the size and design of the silo. The Board addressed the concerns by Burcham and stated that their decision was based solely on the height; the remainder of the issues would need to be addressed in the Administrative Special Review process.

Joe Wise 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. This approval shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.
4. The site plan shall be updated to show the location of the existing on-site septic system on the property to assure that the proposed silo location does not impact the system.

Board members Carol Cochrane, Justin Smith, Joe Wise, Phillip San Filippo and Lee Taylor voted in favor of the Motion. The Application was approved with conditions.

Adjournment: The meeting was adjourned at 6:46 p.m.

(These proceedings were recorded by audio tape.)