

MINUTES OF THE LARIMER COUNTY BOARD OF ADJUSTMENT
(June 25, 2024)

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., June 25, 2024 at which time the following business was transacted.

Board Members Present: Philip San Filippo, David Leighton, Lauren Light and Lee Taylor (virtually via Zoom)

Staff Present: Samantha Lasher (Staff Liaison), Jacy McNulty (County Planner), Samantha Mott (County Planner), Shalana Lysaght (Business Operations Supervisor), Christina Scrutchins (Community Information Resource Tech), Christine Luckasen, (Assistant County Attorney)

Minutes: David Leighton moved and Lauren Light seconded the Motion to approve the May 28, 2024 Minutes of the Larimer County Board of Adjustment as presented. Board members Philip San Filippo, David Leighton, Lauren Light, and Lee Taylor voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Lee Taylor moved and David Leighton seconded the Motion to approve the following Findings and Resolutions: Spurgin Setback Variance (#24-ZONE3618), Inglenook Setback Variance (#24-ZONE3624), Riverside Colorado Setback Variance (#24-ZONE3612), Musgrove Setback Variance (#24-ZONE3621), Henry Setback Variance (#24-ZONE3623), and Coenen Setback Variance (#24-ZONE3099). Board members Philip San Filippo, David Leighton, Lauren Light, and Lee Taylor voted in favor of the Motion. The Motion was unanimously approved.

Consent Applications:

The following applications were approved by consent:

File No: #23-ZONE3569 (Jones Setback Variances)
Owner/Applicant: Monika Jones

Request: The Application of Monika Jones, requesting five setback variances, was presented to the Board. The Application requested setback variances for the following structures: A 12-foot by 14-foot carport to be 68 feet from the centerline of Trail Creek, where 100 feet is required; a 5-foot by 5-foot outhouse to be 55 feet from the centerline of Trail Creek, where 100 feet is required; a 10-foot by 14-foot shed to be 57 feet from the centerline of Trail Creek, where 10 feet is required; a 10-foot by 12-foot cabin to be 35 feet from the centerline of Trail Creek, where 100 feet is required; a 7-foot by 7-foot shed to be 40 feet from the centerline of Trail Creek, where 100 feet is 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. David Leighton 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. 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 structures are located where shown on the Larimer County approved Plot Plan for this development, as applicable.
5. The cabin structure must obtain all applicable permits and inspections to be converted to a dwelling so the existing sheds and carport can remain, unless the sheds are used for agricultural purposes, to meet Article 3.3.3.G. of the LCLUC. Otherwise, only one residential outbuilding or garage can remain on the property without a primary residence.
6. If the exterior mounted sink and any other plumbing fixtures are to remain or be installed in the future to support the cabin and/or other structures on the property, the wastewater shall be directed to a full septic system with a septic tank and absorption field permitted by Larimer County Health Department. If the plumbed sink is removed from the exterior of the cabin, and no additional indoor/outdoor plumbing fixtures are added, the vaulted privy could continue to be used to support the cabin.

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

File No: #24-ZONE3649 (Orvis Setback Variance)
Owner: Bruce Orvis
Applicant: Jayson McMurren

Request: The Application of Jayson McMurren, requesting setback variances was presented to the Board. The Application requested a setback variance to allow setback variances for a proposed addition, existing single-family home, existing roof addition, and existing deck. The existing deck is proposed to be located no less than 54.7 feet from the Big Thompson River where 100 feet is required; the proposed addition to be located 11.5 feet from the nearest edge of right-of-way where 25 feet is required; the existing single-family home to be located 3.9 feet from the south side property line where 5 feet is required; and the proposed porch steps to be located 3.1 feet from the north side property line where 5 feet is 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. David Leighton 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. The required as-built permitting for the roof addition and deck (if over 30 inches above grade), as identified within the code compliance research, must be completed after the variance approval.
6. If the existing stone stairs encroach onto neighboring property, the owner must either remove the portion of the stairs that encroach or undergo a Boundary Line Adjustment to remedy the encroachment.

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

File No: #24-ZONE3662 (Montoya Setback Variance)
Owner: Dave and Amy Montoya
Applicant: David Kaplan

Request: The Application of David Kaplan, requesting a variance was presented to the Board. The Application requested a setback variance to allow proposed addition to be located no less than 15 feet from the front property line where 25 feet is 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. David Leighton 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.

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

Discussion Application:

The following application was approved after discussion:

File No: #24-ZONE3636 (Oldcastle APG West Inc. Height Variances)
Owner: Oldcastle APG West Inc
Applicant: Jennifer Henninger

Request: The Application of Jennifer Henninger, requesting a variance was presented to the Board. The Application requested height variances for an existing pre-engineering building that is 55' - 1 1/4" tall; a proposed aggregate/mixer building to be 72'-4" tall; two (2) proposed silos to be 67' tall; and a third proposed silo to be 81'-1" tall in the IH – Industrial Heavy zoning district, where the maximum building/structure height allowed is 40 feet.

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

Discussion:

The Board inquired about the proposed use on the property and whether it would be consistent with surrounding uses. Planning Staff informed the Board that the surrounding uses are all industrial. The Board inquired about the proposed uses on the property and the processes that necessitate the height variance. The applicant explained that the gravity-feeder for the different inputs requires the requested height to complete the manufacturing process. The Board inquired as to whether the other facilities across the United States owned by the applicant require the same heights. The applicant confirmed that the requested height variances were consistent with other plants across the United States. The Board inquired as to the sound that may be created by the proposed facility. Planning Staff informed the Board that noise, storage, and other impacts would all be addressed during the Special Review process.

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

4. Prior to construction, the Larimer County Building Division must be provided with a written certification by a Colorado Licensed Land Surveyor that the proposed structures are located where shown on the Larimer County approved Plot Plan for this development.

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

Adjournment: The meeting was adjourned at 6:33 p.m.

(These proceedings were recorded by audio tape.)