



Date: Tuesday, May 25, 2021

Time: 6:00 PM

Location: Virtual Hearing - If you wish to participate, please send an email to, beilbykm@larimer.org

BOARD OF ADJUSTMENT AGENDA

Call to Order

Approval of Minutes

- April 27, 2021

Approval of Findings and Resolution

- McCrann Setback Variance, File No. 21-ZONE2929
- Duncan #3 Setback Variance, File No. 21-ZONE2920
- Steele/Adjutant Setback Variance, File No. 21-ZONE2924
- Emery Family Venture Setback Variance, File No. 21-ZONE2907

Withdrawn Item(s)

- Carlson 57 Falls Creek Setback Variance, File No. 21-ZONE2866

Consent Items

1. Heese Setback Variance, File No. 21-ZONE2959

Staff Contacts: Tracy Hicks, Planning; Connor Sheldon, Engineering; Lea Schneider, Health

Request: Request to locate a 16' X 22' Tuff Shed for a home office/hobby shed 7' from the edge of right-of-way, where 25' is required.

Location: 13003 Woodchuck Drive Loveland, CO 80538

Applicants/Owners: Ruth and Allan Heese

Development Services Team Recommendation: The Development Services Team recommends approval of the Heese Setback Variance, File #21-ZONE2959, subject to 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 Department must be provided with a written certification by a Colorado Licensed Land surveyor that the proposed tuff shed is located where shown on the Larimer County approved Plot Plan for this development.
5. Vehicles should not be parked in front of the proposed structure that would encroach into the right-of-way.

6. Prior to any future road expansions of Woodchuck Drive, the owners will be required to relocate the propane tank out of the right-of-way.
7. Applicant will be required to sign a Land Use Affidavit stating they will not use the proposed shed as a dwelling.

2. **Sampson Setback Variance, File No. 21-ZONE2960**

Staff Contacts: Doug May, Planning; Devin Traff, Engineering; Lea Schneider, Health

Request: Setback variance to bring an existing cabin into compliance, located 18-feet from the front property line, where 25-feet is required and 38-feet from the centerline of a creek, where 100-feet is required. And a setback variance to allow the construction of a new deck and stairs 8-feet from the front property line, where 25-feet is required and 52-feet from the centerline of a creek where 100-feet is required.

Location: 222 Canyon River Road, Drake, CO 80515

Applicant: Monica Walker, 1100 Delaware Ave Unit C, Longmont, CO 80501

Development Services Team Recommendation: The Development Services Team recommends approval of the Sampson Setback Variance, File #21-ZONE2960, subject to 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. This may include additional variance requests for the above-mentioned structures that do not have building permits or inspection approvals.
3. This approval shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.
4. Prior to further construction, the Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land surveyor that the proposed structure is located where shown on the Larimer County approved Plot Plan for this development.

Discussion Items

1. **Horizon Hills Mobile Home Park Blanket Setback Variance, File No. 21-ZONE2919**

Staff Contacts: Tawn Hillenbrand, Planning; Traci Shambo, Engineering; Lea Schneider, Health

Request: Request to allow multiple proposed mobile homes to be setback 29.2-feet from the State Hwy 60 right-of-way line rather than the required 50-feet. EDIT: Following further discussions with the Development Services Team, the applicant has modified the request as follows – Request to allow multiple proposed mobile homes to be setback 40-feet from the State Hwy 60 right-of-way line rather than the required 50-feet.

Location: Located at the southeast corner of the intersection of State Highway 287 and State Highway 60 (42nd Street SW), directly south of the city limits of Loveland and north of the city limits of Berthoud

Applicants/Owners: Action Civil Engineering, LLC, c/o Troy Denning

Development Services Team Recommendation: The Development Services Team recommends denial of the Horizon Hills Setback Variance, File #21-ZONE2919.

EDIT: Following further discussions with the Development Services Team, the applicant has modified the request to reflect the original setback request discussed with staff during initial conversations. The applicant had discussed a 10-foot variance which would reduce the building setback from the Highway 60 right-of-way line to 40-feet where 50-feet is required. It is the Development Services Team's opinion that the requested 40-foot setback is the minimum request necessary to achieve an adequate buildable lot depth. The 40-foot setback would create or provide a buildable lot depth consistent with the lots located along the south property boundary while maintaining an adequate separation from Highway 60 for the residents.

The Development Services Team recommends approval of the Horizon Hills Setback Variance, File #21-ZONE2919 with the following conditions:

1. Failure to comply with any conditions of the variance approval or encroachment of setback in excess of 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 Department must be provided with a written certification by a Colorado Licensed Land surveyor that the proposed mobile homes are located no more than 40-feet from the Highway 60 right-of-way.

Adjourn

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days' notice. Please email us at beilbykm@larimer.org, or call (970) 498-7719 or Relay Colorado 711. "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.