

Date: Tuesday, May 25, 2021
Time: 6:00 PM
Location: Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins

BOARD OF ADJUSTMENT MINUTES

The regular meeting of the Larimer County Board of Adjustment was held virtually via Zoom at 6:00 p.m., May 25, 2021, at which time the following business was transacted.

Board Members Present:

Staff Present:

Carol Cochrane, Justin Smith, Joseph Wise, Lee Taylor, and Denise Jackson

Lesli Ellis (Community Development Director), Don Threewitt (Planning Manager), Jenn Cram, Tawn Hillenbrand, Doug May, Tracy Hicks (County Planners), and Frank Haug, (Senior Assistant County Attorney)

Minutes: Lee Taylor moved, and Justin Smith seconded the Motion to approve the April 27, 2021, Minutes of the Larimer County Board of Adjustment with amendments. Board members Carol Cochrane, Justin Smith, Joseph Wise, Lee Taylor and Denise Jackson voted in favor of the Motion. The Minutes were unanimously approved.

Consent Applications:

The following applications were approved by consent:

File No: Owner: Applicant:

#21-ZONE2959 (Heese Setback Variance) Ruth and Allan Heese
Ruth Heese

Request: The Application of Ruth Heese, requesting a variance was presented to the Board. The Application requested a setback variance to allow a 16' x 22' Tuff Shed for a home office/hobby shed to be located 7' from the edge of right-of-way, rather than the required minimum of 25' in the O-Open zone.

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. Carol Cochrane 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 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.

Board members Carol Cochrane, Justin Smith, Joseph Wise, Lee Taylor, and Denise Jackson voted in favor of the Motion. The Application was approved with conditions.

File No: Owner: Applicant:

#21-ZONE2960 (Sampson Setback Variance) Virginia Sampson
Monica Walker

Request: The Application of Monica Walker, requesting a variance was presented to the Board. The Application requested a setback variance to: i) bring an existing cabin into compliance, which is located 18 feet from the front property line, where a minimum of 25 feet is required and located 38 feet from the centerline of a creek, where a minimum of 100 feet is required, and ii) and a setback variance to allow the construction of a new deck and stairs to be located 8 feet from the front property line, where a minimum of 25 feet is required and 52 feet from the centerline of a creek where a minimum of 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. Carol Cochrane 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. 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.

Board members Carol Cochrane, Justin Smith, Joseph Wise, Lee Taylor, and Denise Jackson voted in favor of the Motion. The Application was approved with conditions.

Discussion Application:

The following application was approved after discussion:

File No: Owners: Applicant:

#21-ZONE2919 (Horizon Hills Mobile Home Park Blanket Setback Variance) Jess Rodriguez and Don Clauson

Action Civil Engineering, LLC, c/o Troy Denning

Request: The Application of Action Civil Engineering, c/o Troy Denning, requesting a variance was presented to the Board. The Application requested a setback variance to allow multiple proposed mobile homes to be setback 40 feet from the State Hwy 60 right-of-way line rather than the required minimum of 50 feet.

Action: Justin Smith 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 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 less than 40 feet from the Highway 60 right-of-way line.

Board members Carol Cochrane, Justin Smith, Joseph Wise, and Lee Taylor voted in favor of the Motion. Board member Denise Jackson voted against the Motion. The Application was approved after receiving the requisite four votes in favor.

Other Business

Carol Cochrane moved, and Denise Jackson seconded the motion that approval of the Findings and Resolutions from the April 27, 2021, meeting be tabled to June 22, 2021. The

question was called and members Carol Cochrane, Justin Smith, Joseph Wise, and Lee Taylor and Denise Jackson voted in favor of the Motion. The motion passed.

Adjournment: The meeting was adjourned at 6:51 p.m. (These proceedings were recorded by audio tape.)

LARIMER COUNTY BOARD OF ADJUSTMENT

By: _____
Chair

ATTEST:
