

Date: Tuesday, September 28, 2021
Time: 6:00 PM
Location: Virtual, Zoom link - https://larimer-org.zoom.us/webinar/register/WN_ZSCZQvbsR9WYR03mwqr3lw

MINUTES OF THE LARIMER COUNTY BOARD OF ADJUSTMENT

The regular meeting of the Larimer County Board of Adjustment was held virtually via Zoom at 6:00 p.m., September 28, 2021, at which time the following business was transacted.

Board Members Present: Carol Cochrane, Denise Jackson, Joseph Wise, Justin Smith, and Philip San Filippo

Staff Present: Don Threewitt (Planning Manager), Lesli Ellis (Community Development Director), Jenn Cram (Staff Liaison), Samantha Lasher, Doug May, Tawn Hillenbrand (County Planners), Shalana Lysaght (Business Operation Supervisor for Planning), Frank Haug and Andrew Lewis, (Assistant County Attorneys)

Minutes: Joseph Wise moved, and Carol Cochrane seconded the Motion to approve the August 24, 2021, Minutes of the Larimer County Board of Adjustment as presented. Board members Carol Cochrane, Denise Jackson, Joseph Wise, Justin Smith, and Philip San Filippo voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Carol Cochrane moved, and Philip San Filippo seconded the Motion to approve the following Findings and Resolutions: Mtn. Mecca Setback Variance (#21-ZONE3022) and Pyle Setback Variance (#21- ZONE3035). Board members Carol Cochrane, Denise Jackson, Joseph Wise, Justin Smith, and Philip San Filippo voted in favor of the Motion.

Consent Applications:

The following applications were approved by consent:

File No: #21-ZONE3084 (The Edge is Not the Edge, LLC Setback Variance)
Owners/Applicants: Carol Evans and The Edge is Not the Edge, LLC

Request: The Application of Carol Evans and The Edge is Not the Edge, LLC, requesting a variance was presented to the Board. The Application requested a setback variance to bring an existing maintenance building into compliance, which is located 8 feet from the edge of a road easement, where 25 feet is required, in the O-Open zoning district.

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. Joseph Wise moved and Denise Jackson seconded the Motion to approve the Application with the following conditions, with condition 4 amended as shown:

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.

1. 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.

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

3. 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, Denise Jackson, Joseph Wise, Justin Smith, and Philip San Filippo voted in favor of the Motion. The Application was approved with conditions.

File No: #21-ZONE3062 (SKS Realty Setback Variance)
Owner: SKS Realty LLC
Applicant: Kenney Lee Architecture Group Inc., c/o Kris Lee

Request: The Application of Kenney Lee Architecture Group Inc., c/o Kris Lee, requesting five variances was presented to the Board. The Application requested setback variances in the CC – Commercial Corridor zoning district to: i) bring an existing non-conforming commercial building with regard to setbacks into compliance at 9.1 feet from the side (west) property line where 10 feet is required; ii) bring an existing non-conforming residential building with regard to setbacks into compliance at 11.7 feet from the rear (north) property line where 20 feet is required; iii) bring an existing non-conforming residential building with regard to setbacks into compliance at 8.6 feet from the side (east) property line where 10 feet is required; iv) allow an addition to an existing residence 10.7 feet from rear (north) property line where 20 feet is required; and v) allow an addition to an existing residence 7 feet from the side (east) property line where 10 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. Joseph Wise moved, and Denise Jackson 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 existing buildings and proposed additions are located where shown on the Larimer County approved Plot Plan for this development.

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

Discussion Application:

The following application was approved after discussion:

File No: #21-ZONE3036 (Andreyev Setback Variance)
Owner: Nicolas Andreyev
Applicant: Trail Ridge Consulting Engineers

Request: The Application of Trail Ridge Consulting Engineers, requesting a variance was presented to the Board. The Application requested a setback variance to allow a new single-family residence with attached garage to be located 25 feet from the eastern side property line and 35 feet from the front property line, rather than the required minimum of 50 feet, and to be located 60 feet from the centerline of an unnamed intermittent stream, rather than the required minimum of 100 feet in the EV-RE zoning district.

Action: The request was removed from the consent agenda by the Board for a full proceeding. Philip San Filippo moved and Denise Jackson seconded the Motion to approve the Application with the following conditions, with condition 4 amended as shown:

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 existing buildings are~~ *any existing building* is located where shown on the Larimer County approved Plot Plan for this development.

Board members Carol Cochrane, Denise Jackson, Justin Smith, and Philip San Filippo voted in favor of the Motion. Board member Joseph Wise voted against the Motion. The Application was approved with conditions.

Adjournment: The meeting was adjourned at 6:50 p.m.