

Date: Tuesday, October 22, 2024
Time: 6:00 PM
Location: Hybrid - In-Person: Hearing Room 1st Floor, 200 West Oak Street, Fort Collins or
Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_p73VDnl6Rlu85E4iP8mixw

BOARD OF ADJUSTMENT **ADDENDUM** AGENDA

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., October 22, 2024, at which time the following business was transacted.

Board Members Present: Brannon Hughes, Lauren Light, Forrest Hancock, David Leighton, and Chris Burnette

Staff Present: Shalana Lysaght (Business Operations Supervisor), Samantha Mott, Kassidee Fior, Jacy McNulty, Laura Culleton, Jared Seay (County Planners), Ryane Oswandel (Community Information Resource Technician) and Christine Luckasen (Assistant County Attorney)

Minutes: David Leighton moved and Forrest Hancock seconded the Motion to approve the August 27, 2024 Minutes of the Larimer County Board of Adjustment as presented. There was no meeting held in September. Board members Brannon Hughes, Lauren Light, Forrest Hancock, David Leighton, and Chris Burnette voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Brannon Hughes moved and Forrest Hancock seconded the Motion to approve the following Findings and Resolutions: Roeder Setback Variance (#24-ZONE3666), Lewis Setback Variance (#24-ZONE3626), Abramoff Setback Variance (#24-ZONE3678), Kittle Setback Variance (#24-ZONE3653), Tho Assets, LLC Setback Variances (#24-ZONE3632), Emuna Capital Investments, Inc. Setback Variance (#24-ZONE3635) and Welcome to Realty Setback Variance (#24-ZONE3656). Board members Brannon Hughes, Lauren Light, Forrest Hancock, David Leighton, and Chris Burnette voted in favor of the Motion.

Consent Applications:

The following application was approved by consent:

File No: #24-ZONE3644 (Bien Setback Variance)
Owner/Applicant: Gary Bien

Request: The Application of Gary Bien, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing storage building to be located 50.1 feet from the centerline of Highway 34, where 100 feet is required. If approved, the storage building will be altered to reflect the location shown on the site plan.

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. Forrest Hancock moved and David Leighton 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 structure, as identified within the code compliance research, must be completed after the variance approval.
6. The structure shall be altered so that it reflects the location on the approved Plot Plan and no longer encroaches the 50-foot W Highway 34 right-of-way.

Board members Brannon Hughes, Lauren Light, Forrest Hancock, David Leighton, and Chris Burnette voted in favor of the Motion. The Application was approved with conditions.

Discussion Applications:

The following application was approved after discussion:

File No: #24-ZONE3689 (Way Setback Variance)
Owner: Lori Way and Cameron Way
Applicant: Craig Way

Request: The Application of Craig Way, requesting a variance was presented to the Board. The Application requested a setback variance to allow an addition to an existing residence to be constructed 6 feet from the side property line, where the required minimum is 7 feet. The property

is located within the Fort Collins Growth Management Area (GMA) and is zoned UR-1, Urban Residential.

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

County Planner Jacy McNulty presented to the Board.

Board Member Lauren Light asked about the septic tank on the property. Staff clarified that any issues with the septic tank will be addressed at the building permit stage.

Applicant Craig Way stated that the issues with the septic tank are being addressed separately and will be resolved.

Board Member Forrest Hancock asked for clarification on where the setback would be located on the aerial photos provided by Staff.

David Leighton moved and Brannon Hughes 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. This variance is only for the buildings or structures as submitted with this variance application. All future buildings or additions must go through the proper County review and permit 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 unpermitted shed and interior remodel, as identified within the code compliance research, must be completed after the variance approval.
6. Any accessory storage structures on the property that encroach into the 5-foot required setback must be relocated outside of the setbacks **OR** a separate variance application is required for the structures to remain in their current location.

Board members Brannon Hughes, Lauren Light, Forrest Hancock, David Leighton, and Chris Burnette voted in favor of the Motion. The Application was approved with conditions.

Other Business:

An addendum was made to the agenda. Forrest Hancock moved and David Leighton seconded the Motion to move the election of the Board of Adjustment Chair to the next Board of Adjustment meeting. Board members Brannon Hughes, Lauren Light, Forrest Hancock, David Leighton, and Chris Burnette voted in favor of the Motion. The Motion was approved.

Adjournment: The meeting was adjourned at 6:17 p.m.

(These proceedings were recorded by audio tape.)