

Date: Tuesday, February 25, 2025

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_zdZx4V_YQ4qP2Xc0cRHEuw

BOARD OF ADJUSTMENT HEARING MINUTES

The Larimer County Board of Adjustment met in the County Board Hearing Room at the Larimer County Administrative Services Building in Fort Collins, Colorado, and virtually via Zoom at 6:00 p.m. on Tuesday, February 25, 2025, at which time the following business was transacted.

Board Members Present: Lee Taylor, Lauren Light, Brannon Hughes, David Leighton, and Philip San Filippo

Staff Present: Samantha Mott, Kassidee Fior, and Jacy McNulty (County Planners), Ryane Oswandel (Community Information Resource Tech) and Christine Luckasen (Assistant County Attorney)

Motion for Election of Temporary Chair for February 25, 2025, Meeting:

Lauren Light moved and Brannon Hughes seconded the Motion to approve Lee Taylor as the temporary Chair of the Larimer County Board of Adjustment for the February 25, 2025 meeting of the Board of Adjustment. Board members Lee Taylor, Lauren Light, Brannon Hughes, David Leighton and Philip San Filippo voted in favor of the Motion. The Motion was unanimously approved.

Minutes:

David Leighton moved and Lauren Light seconded the Motion to approve the January 28, 2025 Minutes of the Larimer County Board of Adjustment as presented. Board members Lee Taylor, Lauren Light, Brannon Hughes, and Philip San Filippo voted in favor of the Motion. The Minutes were unanimously approved.

Consent Applications:

The following applications were approved by consent:

File No: 24-ZONE3673
Owner: Emissaries of Divine Light
Applicant: Deanne Frederickson, DeRoan Consulting LLC

Request: The Application of Deanne Frederickson with DeRoan Consulting LLC, requesting six variances was presented to the Board. The Application requested the following setback variances to allow:

- 1) An existing IT Building (#105) to be located 30.2 feet from a waterway where 100 feet is required;
- 2) An existing Clothing Boutique (#106) to be located 19.5 feet from a waterway where 100 feet is required;
- 3) An existing Laundry Facility (#107) to be located 18.6 feet from a waterway where 100 feet is required;
- 4) An existing Creekside Cottage (#108) to be located 54.7 feet from a waterway where 100 feet is required;
- 5) An existing Water Plant (#203) to be located 62.2 feet from a waterway where 100 feet is required; and
- 6) An existing South Pumphouse (#204) to be located 37.5 feet from a waterway 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. Brannon Hughes 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. 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 Larimer County review and permit 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 and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.
5. Following approval of this variance, the applicant and property owner shall continue to work with Larimer County Code Compliance Staff to bring the property into full compliance with all applicable land use codes and building codes.
6. Approval of this setback variance does **not** grant or imply permission for any of the listed buildings to encroach onto land owned by the Bureau of Reclamation. If any buildings are found to extend beyond the west property line, the property owner must apply and receive approval for a Boundary Line Adjustment. If a Boundary Line Adjustment is not pursued and approved, any encroaching structures must be removed to comply with property boundaries.
7. Approval of this setback variance does **not** preclude the need for additional variance applications. If any other buildings or structures are found to be out of compliance with required setbacks from property lines, County Road 29, or the waterway, the property owner will be required to apply for a separate setback variance to bring the property into compliance.

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

Discussion Application:

File No: 24-ZONE3731
Owner: Scott Schulz and Christy Schulz
Applicant: Scott Schulz

Request: The Application of Scott Schulz, requesting a variance was presented to the Board. The Application requested a setback variance to allow a new garage containing a loft for recreational and office use, to be located 27 feet from the centerline of an unnamed waterway where 100 feet is required.

Action: The request was removed from the Consent Agenda by a member of the public and approved after discussion:

Board Member Lauren Light asked the applicant to clarify where the proposed structure would be located. The applicant clarified the location for the Board. Board Member Brannon Hughes asked the applicant how often the waterway on the property has water in it. The applicant stated that he has not seen water flowing in that waterway. Board Member San Filippo asked if the property receives outflow from Carter Lake. The applicant stated that the property does not. Board Member San Filippo asked if the proposed structure will be close to the waterway. The applicant stated that it will not. Board Member Lee Taylor asked if the proposed structure will be used as a residence. The applicant stated that it will not be used as a residence.

Two members of the public spoke in opposition to this application. The concerns raised by the member of the public were focused on water on the property, drainage, and the ultimate use of the structure.

Board Member San Filippo asked staff to clarify the allowed uses on the Property.

Board Member Lauren Light asked about the placement of the structure and whether it could be moved. Staff clarified that the proposed location is the only buildable location on the Property.

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

Posting of Public Meetings:

Philip San Filippo moved and Lauren Light seconded the Motion to designate www.Larimer.gov as the place for posting notice of public meetings, and if exigent or emergency circumstances prevent the online posting at such location, public notice shall be physically posted at the bulletin boards located at the north and south entrances to the Larimer County Administrative Services Building at 200 West Oak, Fort Collins, Colorado, in accordance with Colorado's open meetings laws. Board members Lee Taylor, Lauren Light, Forrest Hancock, David Leighton, and Brannon Hughes voted in favor of the Motion.

Work Session:

1. Annual Board Training
2. By-law discussion

ADJOURN

With there being no further business, the hearing adjourned at 6:32 p.m.

These minutes constitute the Resolution of the Larimer County Board of Adjustment for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.