



**Date:** Tuesday, January 28, 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](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, January 28, 2025, at which time the following business was transacted.

Board Members Present: Lee Taylor, Lauren Light, Forrest Hancock, David Leighton, and Brannon Hughes (alternate sitting as voting member)

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

### **Motion for an interim-Chair for the January 28, 2025, meeting in the absence of the Chair:**

Lee Taylor moved and Lauren Light seconded the Motion to approve Forrest Hancock as the interim-Chair for the January 28, 2025, regular meeting of the Larimer County Board of Adjustment. Board members Lee Taylor, Lauren Light, Forrest Hancock, David Leighton, and Brannon Hughes voted in favor of the Motion. The Motion was unanimously approved.

### **Minutes:**

David Leighton moved and Lee Taylor seconded the Motion to approve the November 26, 2024 Minutes of the Larimer County Board of Adjustment as presented. Board members Lee Taylor, Lauren Light, Forrest Hancock, David Leighton, and Brannon Hughes voted in favor of the Motion. The Minutes were unanimously approved.

Posting of Public Meetings: Lee Taylor moved and David Leighton seconded the Motion to designate [www.Larimer.org](http://www.Larimer.org) 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 Courthouse Offices 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.

Findings and Resolutions: Lee Taylor moved and Lauren Light seconded the Motion to approve the following Findings and Resolutions: Seaman Setback Variance (#24-ZONE3720) and Loecker Setback Variance (#24-ZONE372). Board members Lee Taylor, Lauren Light, Forrest Hancock, David Leighton, and Brannon Hughes voted in favor of the Motion.

## **Consent Applications:**

The following applications were approved by consent:

File No: 24-ZONE3720 (Seaman Setback Variance)

Owner: Seaman Family Trust

Applicants: Jayson McMurren, BASIS Architecture P.C.

Request: The Application of Jayson McMurren with BASIS Architecture P.C., requesting three variances was presented to the Board. The Application requested setback variances to allow 1) the existing single-unit dwelling to be located no less than 2.1 feet from the east side property line where 50 feet is required; 2) the proposed replacement deck to be located no less than 18 feet from the east side property line where 50 feet is required; and 3) the proposed two-story entryway and stair addition to be located 39 feet from the east side property line where 50 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. Lee Taylor 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 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. The required as-built permitting for the unpermitted second bathroom and reroof, as identified within the code compliance research, must be completed after the variance approval.

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

File No: 24-ZONE3721 (Loecker Setback Variance)

Owners: Marvin & Deborah Loecker

Applicants: Nathan Kinley, Kinley Built Inc.

Request: The Application of Nathan Kinley with Kinley Built Inc., requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed addition, containing a garage and art studio, to be located 16.25 feet from the front property line where 25 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. Lee Taylor 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 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. The required as-built permitting for the unpermitted second bedroom, as identified within the code compliance research, must be completed after the variance approval.

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

#### **Discussion Applications:**

The following application was removed from the Consent Agenda by a member of the Board and approved after discussion:

File No: 24-ZONE3710 (Dominicak Setback Variance)

Owners/Applicants: Julie Dominicak and Jason Dominicak

Request: The Application of Julie Dominicak and Jason Dominicak, requesting seven variances was presented to the Board. The Application requested setback variances to allow: 1) for the proposed addition to be located no less than 20 feet from the front property line where 25 feet is required; 2) for the existing home and attached deck to be located no less than 10 feet from the front property line where 25 feet is required; 3) for the existing shed to be located no less than 3 feet from the front property line where 25 feet is required; 4) for the existing outhouse to be located no less than 10 feet from the front property line where 25 feet is required; 5) for the existing detached lower deck to be located no less than 4 feet from the rear property line where 5 feet is required for decks 30 inches or less above the finished grade; 6) for the existing deck, attached to the home, to be located no less than 90 feet from the centerline of Columbine Creek where 100 feet is required; and 7) for the existing outbuilding, with an attached deck, to be located no less than 35 feet from the centerline of Columbine Creek where 100 feet is required.

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

Board Member Lauren Light asked the applicant whether the outhouse on the property was currently in use. The applicant stated that the outhouse was not in use. The applicant also stated that they installed a new septic system recently.

Lauren Light 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. 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. 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.

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

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

File No: 24-ZONE3719 (Madoni Setback Variance)

Owners: Deborah & Thomas Madoni

Applicants: David Bangs, Trail Ridge Consulting Engineers, LLC

Request: The Application of David Bangs with Trail Ridge Consulting Engineers, LLC, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed detached garage to be located 10.5 feet from the side property line where 25 feet would be required.

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

The applicant presented and clarified the selected location for the garage, stating that the final location was intended to be the least-obtrusive option.

One member of the public offered public comment regarding the setback variance; the comment specifically focused on concerns about the impact to the view from the neighboring properties, including impacts from building height and exterior lighting. The applicant clarified that the proposed building will be one-story and that as many of the trees as possible will be maintained. The applicant also stated that any exterior lighting would comply with the Land Use Code. Board member Lauren Light asked about the height limit for buildings on this property, the applicant stated that there is a 30-foot height limit on this property, which was confirmed by Staff. The Board asked about drainage concerns on the property. The applicant stated that all drainage complies with state law and that any adverse impacts would be limited. The applicant also stated that the natural drainage patterns would not be altered with this project. Staff stated that drainage would be reviewed at the building permit phase and that Engineering did not have any concerns about the drainage. Board member Hancock commented that the proposed location for the garage makes sense given the direction the home faces.

Lee Taylor 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. 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 located where shown on the Larimer County approved Plot Plan.

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

Staff announcements:

- New bylaws being proposed.
- Annual compliance training for the Board.

## **ADJOURN**

With there being no further business, the hearing adjourned at 6:43 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.