

Date: Tuesday, July 27, 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 in the County Board Hearing Room in the Larimer County Courthouse Offices, Fort Collins, Colorado and was held virtually via Zoom at 6:00 p.m., July 27, 2021, at which time the following business was transacted.

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

Staff Present: Don Threewitt (Planning Manager), Jenn Cram, Alyssa Martin, Doug May, Tracy Hicks (County Planners), and Bill Ressue, (County Attorney)

Minutes: Justin Smith moved and Carol Cochrane seconded the Motion to approve the June 22, 2021 Minutes of the Larimer County Board of Adjustment as presented. Board members Carol Cochrane, Denise Jackson, Joseph Wise, Justin Smith, Philip San Filippo voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Carol Cochrane moved and Justin Smith seconded the Motion to approve the following Findings and Resolutions: Horizon Hills Mobile Home Park Blanket Setback Variance (#21-ZONE2919), Atkins 2nd Setback Variance (#21-ZONE2993), Wray Setback Variance (#21-ZONE2974), Leming Setback Variance (#21-ZONE2943) and Chapel Setback Variance (#21-ZONE2972). Board members Carol Cochrane, Denise Jackson, Joseph Wise, Justin Smith, Philip San Filippo voted in favor of the Motion.

Consent Applications:

The following applications were approved by consent:

File No: #21-ZONE2980 (Manzanares Setback Variance)
Owner: Robert Manzanares
Applicant: Rick Emery / Ridgetop Builders, Inc.

Request: The Application of Rick Emery/Ridgetop Builders, Inc., requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed garage and patio addition to be located 7' from the lot line abutting the road, 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. Justin Smith moved and Carol Cochrane 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 outbuilding 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-ZONE2987 (Howard Setback Variance)
Owners/Applicants: Scott and Sonya Howard

Request: The Application of Scott and Sonya Howard, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing dwelling to remain located 11 feet from the rear property line, rather than the required minimum of 25 feet and a setback variance to allow an existing 8-foot by 10-foot shed to remain located 3 feet from the rear property line, rather than the required minimum of 5 feet in the EV – E1 Estes Valley Estate 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. Justin Smith moved and Carol Cochrane 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 addition 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.

Discussion Applications:

The following applications were approved after discussion:

File No: #21-ZONE2976 (Robison Setback Variance)
Owner: Kenneth and Janel Robison
Applicant: Kenneth Robison

Request: The Application of Kenneth Robison, requesting a variance was presented to the Board. The Application requested a setback variance to allow construction of a detached garage with living space above to be located 70 feet from the centerline of right-of-way from Highway 14, rather than the required minimum of 100 feet and to be located 19 feet from the rear property line rather than the required minimum of 25 feet.

Action: The request was removed from the consent agenda for a full proceeding. Justin Smith 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 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 addition is located where shown on the Larimer County approved Plot Plan for this development.
5. No parking of vehicles shall be allowed within the right-of-way.

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-ZONE3002 (Cramer Setback Variance)
Owners/Applicant: Joshua and Dana Cramer

Request: The Application of Joshua and Dana Cramer, requesting a variance was presented to the Board. The Application requested a setback variance to: i) allow a 28'x32' existing detached garage to be located 45.8' from the rear property line rather than the required minimum of 50' required in the EV-RE zoning district; ii) allow an existing 20'x30' Barn to be located 22' from the rear

property line rather than the required minimum of 50' in the EV-RE zoning district; and iii) a lean-to (for chickens and additional livestock) built at grade to be located 13.7' from the rear property line rather than the required minimum of 50' in the EV-RE zoning district.

Action: The request was removed from the consent agenda for a full proceeding. Philip San Filippo moved and Carol Cochrane 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 garage, barn and lean-to is located where shown on the Larimer County approved Plot Plan.

5. The applicant will need to obtain "as-built" permits through the Building Department for the existing garage, barn, lean-to, two additional bedrooms in the single-family home, cabin and foyer and attached garage as identified by Code Compliance.

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.

Other Business

Members Carol Cochrane, Denise Jackson, Joseph Wise, Justin Smith and Philip San Filippo voted in favor of Justin Smith being appointed chair of the Board of Adjustment.

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

(These proceedings were recorded by audio tape.)

LARIMER COUNTY BOARD OF ADJUSTMENT

By: _____
Chair

ATTEST:
