

Date: Tuesday, January 26, 2021
Time: 6:00 PM
Location: Virtual Hearing - If you wish to participate, please send an email to, beilbykm@larimer.org

BOARD OF ADJUSTMENT MEETING MINUTES

The regular meeting of the Larimer County Board of Adjustment was held virtually via Zoom at 6:00 p.m., January 26, 2021 at which time the following business was transacted.

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

Staff Present: Planning Manager Don Threewitt, County Planners Jenn Cram, Tawn Hillenbrand, Alyssa Martin, Tracy Hicks, Samantha Mott, Samantha Lasher, Doug May and Senior Assistant County Attorney Frank Haug

Minutes: Denise Jackson moved, and Carol Cochrane seconded the Motion to approve the December 15, 2020 Minutes of the Larimer County Board of Adjustment as presented. Board members Justin Smith, Carol Cochrane, Denise Jackson, Joseph Wise, and Lee Taylor voted in favor of the Motion. The Minutes were unanimously approved.

Posting of Meetings: Justin Smith moved and Lee Taylor seconded the Motion to designate 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 the requirements of the Colorado Open Meetings laws C.R.S. 24-6-402. Board members Justin Smith, Carol Cochrane, Denise Jackson, Joseph Wise and Lee Taylor voted in favor of the Motion.

Consent Applications:

The following applications were approved by consent:

File No: #20-ZONE2800
Owners/Applicants: David and Denise Benjes

Request: The Application of David and Denise Benjes, requesting three variances was presented to the Board. The Application requested a setback variance to allow i) a setback of 4 feet from the lot line along Shagwa Drive where 25 feet is required for a deck replacement, ii) setback of 12 feet from the lot line along Falling Star Lane where 25 feet is required for the existing non-

conforming home, and iii) a setback of 15 feet from the west lot line where 25 feet is required for the existing non-conforming home.

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. Carol Cochrane 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. 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 one year from the date of this Resolution unless prior to expiration the applicants (a) take affirmative action consistent with this approval, OR (b) submit a written request showing good cause to extend the one-year time limit.
4. If drainage patterns will be changed, a drainage plan will need to be submitted to the Engineering Department for review and approval.

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

File No: #20-ZONE2836
Owner: Curtis and Debra Lanham
Applicant: Curtis and Debra Lanham, and Jayson McMurren with BASIS Architecture, PC

Request: The Application of Curtis and Debra Lanham and Jayson McMurren with BASIS Architecture, PC, requesting a variance was presented to the Board. The Application requested a setback variance to allow a setback of 12 feet from the west property line for an addition to an existing building, 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. Carol Cochrane 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. 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 one year from the date of this Resolution unless prior to expiration the applicants (a) take affirmative action consistent with this approval, OR (b) submit a written request showing good cause to extend the one-year time limit.
4. If drainage patterns will be changed, a drainage plan will need to be submitted to the Engineering Department for review and approval.

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

File No: #20-ZONE2829
Owner: Reed Ranch LLC, Tara Reed and Daniel Reed
Applicant: Daniel Reed

Request: The Application of Daniel Reed, requesting four variances was presented to the Board. The Application requested setback variances to allow, i) an existing home with an attached deck and stairs to be 15 feet (deck) and 9.5 feet (stairs) from the edge of a road easement rather than the required minimum of 25 feet, ii) the attached deck and stairs to be 2.5 feet from the road easement for Elk Island Way rather than the required minimum of 25 feet, iii) the attached deck and stairs to be 72 feet (deck) and 74.5 feet (stairs) from the centerline of the river rather than the required minimum of 100 feet, and iv) an existing shed to be 10 feet from the road easement for Elk Island Way rather than the required minimum of 25 feet.

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. Carol Cochrane 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 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 one year from the date of this Resolution unless prior to expiration the applicants (a) take affirmative action consistent with this approval, OR (b) submit a written request showing good cause to extend the one-year time limit.
4. The Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land Surveyor that the structures are located where shown on the Larimer County approved Plot Plan for this development.

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

File No: #20-ZONE2808
Owner: Jerry and Amy Colclazier
Applicant: Jerry Colclazier

Request: The Application of Jerry Colclazier, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing deck to be setback 11 feet from the front property line, where a minimum of 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. Carol Cochrane 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 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 deck are located where shown on the Larimer County approved Plot Plan for this development.

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

File No: #20-ZONE2819
Owner: Poudre Fire Authority
Applicant: Patti Watkins, Belford Watkins Group, LLC

Request: The Application of architect Patti Watkins of Belford Watkins Group, LLC on behalf of Poudre Fire Authority, requesting three variances was presented to the Board. The Application requested a setback variance to allow an addition to the existing fire station to be located 100 feet from the right-of-way centerline of Timberline Road, where a minimum of 110 feet is required and 51 feet from the right-of-way centerline of Donella Court, where 70 feet is required. The proposed setback from the property line adjacent to Donella Court is 17 feet, 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. Carol Cochrane 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 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 one year from the date of this Resolution unless prior to expiration the applicant (a) takes affirmative action consistent with this approval, OR (b) submits a written request showing good cause to extend the one-year time limit.

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 Justin Smith, Carol Cochrane, Denise Jackson, Joseph Wise, and Lee Taylor voted in favor of the Motion. The Application was approved with conditions.

Discussion Application:

The following application was removed from the consent agenda and approved after discussion:

File No: #20-ZONE2805
Owner/Applicant: Mark Sullivan

Request: The Application of Mark Sullivan, requesting a variance was presented to the Board. The Application requested a setback variance to allow construction of a garage addition to the existing residence on the south side of the property to be located 6 feet from the rear property line where 20 feet is required by the R2-Residential zoning district.

Action: The request was removed from the consent agenda for a full proceeding. Denise Jackson 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 one year from the date of this Resolution unless prior to expiration the applicant (a) takes affirmative action consistent with this approval, OR (b) submits a written request showing good cause to extend the one-year time limit.
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 as shown on the Larimer County approved Plot Plan for this development.
5. The applicant will need to obtain an "As-Built" permit through the Building Department for the unpermitted covered patio addition as identified by Code Compliance.
6. The garage must be oriented to open towards Chestnut Drive.

Findings and Resolutions: Justin Smith moved, and Lee Taylor seconded the Motion to approve the following Findings and Resolutions: Reed Setback Variance (#20-ZONE2795) from December 15, 2020 and for the January 26, 2021 meeting: Benjes Setback Variance (#20-ZONE2800), McMurren Setback Variance (#20-ZONE2836), Reed 29 Elk Island Variance (#20-ZONE2829), Colclazier Setback Variance (#20-ZONE2808), and Poudre Fire Station #6 Setback Variance (#20-ZONE2819). Board members Justin Smith, Carol Cochrane, Denise Jackson, Joseph Wise and Lee Taylor voted in favor of the Motion.

Adjournment: The meeting was adjourned at 6:38 p.m.

(These proceedings were recorded by audio tape.)