

Date: Tuesday, March 26, 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 HEARING MINUTES

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., March 26, 2024, at which time the following business was transacted.

Board Members Present: Carol Cochrane, David Leighton, Lauren Light, Philip San Filippo, Lee Taylor

Staff Present: Jenny Axmacher (Planning Manager), Samantha Lasher, Justin Currie, Jared Seay, Laura Culleton, Jacy McNulty (County Planners), Christina Scrutchins (Community Information Resource Tech), and Christine Luckasen (Assistant County Attorney)

Minutes: David Leighton moved and Lee Taylor seconded the Motion to approve the January 23, 2024 Minutes of the Larimer County Board of Adjustment as presented. Board members Carol Cochrane, David Leighton, Lauren Light, Philip San Filippo, Lee Taylor voted in favor of the Motion. The Minutes were unanimously approved.

Consent Applications:

The following applications and Findings and Resolutions were approved by consent:

File No: #23-ZONE3492 (Murphy Setback Variance)
Owner/Applicant: Stephen Murphy

Request: The Application of Stephen Murphy, requesting a variance was presented to the Board. The Application requested a setback variance to allow a new 640 square-foot pole barn/shed on the property to be constructed 1 foot, 4 inches from the front setback rather than the required minimum of 25 feet, in the O-Open zoning district.

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. 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.

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 Carol Cochrane, David Leighton, Lauren Light, Philip San Filippo, Lee Taylor voted in favor of the Motion. The Application was approved with conditions.

File No: #23-ZONE3573 (Surber Setback Variance)
Owner: Rodney E. and Gayla J. Surber Revocable Trust
Applicant: Jayson McMurran and Jacob Gruver

Request: The Application of Jayson McMurran and Jacob Gruver, requesting a variance was presented to the Board. The Application requested a setback variance to allow an addition to an existing residence to constructed 7 feet from the edge of the north lot line rather than the required minimum of 10 feet in the EV E–Estate zoning district.

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. 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 owners of 753 Windy Rose Drive, Estes Park, Colorado, 80517, will comply with all required Building Division requirements for building permits for the proposed structure within this variance request, file No.#23-ZONE3573.

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

File No: #23-ZONE3594 (IDK, LLC Setback Variance)
Owner: David Lund
Applicant: Melissa Lourash

Request: The Application of Melissa Lourash, requesting a variance was presented to the Board. The Application requested a setback variance to allow: 1) an existing sawmill shelter to remain 1.77 feet from the western boundary line and 62.8 feet from the centerline of Elkhorn Creek rather than the required minimum of 25 feet and 100 feet, respectively, and 2) a spa shelter to remain 89 feet from the centerline of Elkhorn Creek rather than the required minimum of 100 feet in the RR-1 zoning district.

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. 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.

5. The required as-built permitting for the sawmill shelter and spa shelter, as identified within the Code Compliance research, must be completed prior to the expiration of this variance approval. The sawmill shed shall be brought into compliance with building code rules for structures within 3 feet of a property line (fire separation distance as amended).

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

Following the close of official business, Chair Carol Cochrane asked if there were any announcements. Samantha Lasher (County Planning Staff) made an announcement that the Board of County Commissioners has updated the policies, procedures, and code of conduct for all Larimer County boards and commissions, and that a copy of the policies will be provided to all Board of Adjustment members, and that a training on the new policies will be held in April 2024 or later in the year.

Adjournment: The meeting was adjourned at 6:07 p.m.

(These proceedings were recorded by audio tape.)