



Date: Tuesday, July 26, 2022
Time: 6:00 PM
Location: Hybrid - In-Person: Lake Estes, 3rd Floor, 200 West Oak Street, Fort Collins or Virtual,
Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_1tvdgLv3SNe3eiNTzDvOQw

BOARD OF ADJUSTMENT MINUTES

The regular meeting of the Larimer County Board of Adjustment was held in the Lake Estes Conference Room in the Larimer County Courthouse Offices, Fort Collins, Colorado and was held virtually via Zoom at 6:01 p.m., July 26, 2022 at which time the following business was transacted.

Board Members Present: Philip San Filippo, Carol Cochrane, Justin Smith, Joe Wise and Reba Tipton

Staff Present: Lesli Ellis (Community Development Director), Michael Whitley and Samantha Lasher, (County Planners), Shalana Lysaght (Business Operations Supervisor for Planning), and Andrew Lewis, (Assistant County Attorney)

Minutes: Joe Wise moved, and Carol Cochrane seconded the Motion to approve the June 28, 2022, Minutes of the Larimer County Board of Adjustment as presented. Board members Philip San Filippo, Carol Cochrane, Justin Smith, Joe Wise and Reba Tipton voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Joe Wise moved, and Carol Cochrane seconded the Motion to approve the following Findings and Resolution: Jeter Setback Variance (#22-ZONE3229). Board members Philip San Filippo, Carol Cochrane, Justin Smith, Joe Wise and Reba Tipton voted in favor of the Motion.

The Hollerbach Setback Variance, File No. 22-ZONE 3192 from the June 28, 2022, meeting was placed back onto the Agenda. Staff explained the previous approval was void based on a failure to send notification as required. Staff advised that notification has now been complied with for the July 26, 2022 meeting and proposed setting the matter back onto the Consent Agenda. Chairman Smith placed the Hollerbach Setback Variance back onto the Consent Agenda with the other Consent items.

The Van-Tornes and Hollerbach Setback Variance were tabled while staff attempted to contact the applicant for the Van-Tornes Setback Variance. The Bjornsen Setback Variance was removed from the consent agenda at this time for discussion. During discussion of the Bjornsen

Setback Variance, Staff member Samantha Lasher returned with three members of the public who had been sitting in the first floor Hearing Room. Two of these individuals were present as applicants for the Van-Tornes Setback Variance. It is unknown whom the third person was.

Discussion Applications:

The following application was approved after discussion:

File No: #22-ZONE3239 (Bjornsen Setback Variance)
Owner: Sonja Bjornsen
Applicant: Paul Legan/Aspect Architecture

Request: The Application of Paul Legan/Aspect Architecture, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed detached garage to be located 10 feet from the front property line, where a minimum of 25 feet is required.

Action: The request was removed from the consent agenda for a full proceeding. The Applicants' representative, Architect Paul Logan, testified that the property line is further from the roadway than 10 feet. The Board discussed adding a condition to require that the garage doors be south-facing and perpendicular to the road. The applicant agreed with the additional condition.

Joe Wise 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. The applicant shall identify the septic field perimeter during construction to ensure a minimum 10-foot setback between the new garage structure and the edge of the field.

6. No vehicles or equipment shall be stored or parked in the driveway so that it encroaches into right of way for Estes Park Estates Drive.

7. The garage door must be south-facing and perpendicular to the road.

Board members Philip San Filippo, Carol Cochrane, Justin Smith, Joe Wise and Reba Tipton voted in favor of the Motion. The Application was approved with conditions.

Consent Applications:

The following applications were approved by consent:

File No: #22-ZONE3238 (Van-Tornes Setback Variance)
Owners/Applicant: Cody Van & Lisa Tornes

Request: The Application of Cody Van and Lisa Tornes, requesting a variance was presented to the Board. The Application requested a setback variance to allow an addition to an existing residence to be located 20 feet from front (northeast) property line where a minimum of 25 feet is required. The applicants were present and agreed to the conditions.

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 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 existing buildings and proposed additions are located where shown on the Larimer County approved Plot Plan for this development.

5. This parcel is located within the FEMA Floodplain Zone AE (Flood Fringe) and is subject to floodplain regulations found in Article 12 of the County Land Use Code. Floodplain

regulations will be reviewed as part of the building permit application. The building permit cannot be issued until Staff has assurance that the building permit meets County floodplain regulations.

Board members Philip San Filippo, Carol Cochrane, Justin Smith, Joe Wise and Reba Tipton voted in favor of the Motion. The Application was approved with conditions.

File No: #22-ZONE3192 (Hollerbach Setback Variance)
Owner: David and Kathleen Hollerbach
Applicant: David Hollerbach

Request: The Application of David Hollerbach, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed addition to the single-family residence to be located 54'8" from the centerline of Overland Trail, rather than the required minimum of 100 feet.

Action: The request was heard at the June 28, 2022, hearing, however proper notice was not sent, therefore the Board reheard the matter. The item was placed on the consent agenda for the July 26, 2022, hearing. 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. The applicant was not present, however had agreed to the conditions during the June 28, 2022, Hearing.

Carol Cochrane 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. 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 Philip San Filippo, Carol Cochrane, Justin Smith, Joe Wise and Reba Tipton voted in favor of the Motion. The Application was approved with conditions.

Other Business:

Justin Smith moved, and Philip San Filippo seconded the Motion to table the appointment of the new Board of Adjustment Chair to the August 23, 2022, meeting to allow the newly-appointed Board member to join.

Board members Philip San Filippo, Carol Cochrane, Justin Smith, Joe Wise and Reba Tipton voted in favor of the Motion.

Adjournment: The meeting was adjourned at 6:26 p.m.

Following adjournment, Chairman Smith asked the third person who had been brought up from the Hearing Room during the discussion of the Bjornsen Setback Variance if they had not addressed something for her. She replied, “yes and no” and that she was present for the Hollerbach Setback Variance. She stated that she didn’t hear anything on it. She was asked she wanted to say something, and she replied that she did not, because she did not know what was going on. She then left the room.