

Date: Tuesday, May 28, 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 MINUTES

On May 28, 2024, at 6:00 p.m. 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 which time the following business was transacted.

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

Staff Present: Jenny Axmacher (Planning Manager), Samantha Lasher (Staff Liaison), Michael Whitley, Samantha Mott, Jacy McNulty, Laura Culleton (County Planners), Shalana Lysaght (Community Development Business Operations Supervisor), 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 April 23, 2024, Minutes of the Larimer County Board of Adjustment as presented. Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, Carol Cochrane voted in favor of the Motion. The minutes were unanimously approved.

A motion was made to amend the agenda to include the item of approving the findings and resolutions from the April 23, 2024, meeting. The motion was not seconded; however, it proceeded to a vote. Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, Carol Cochrane voted in favor of the Motion. The amendment to the agenda was unanimously approved.

The Board then considered the Findings are Resolution from the April 23, 2024, meeting. Findings and Resolutions: Philip San Filippo moved and Lee Taylor seconded the Motion to approve the following Findings and Resolution from the April 23, 2024, meeting: Smith Setback Variance (#23-ZONE3596) from April 23, 2024 meeting, Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, Carol Cochrane voted in favor of the Motion.

The Board reviewed the applications on the agenda for the May 28, 2024, meeting. The applicants for each application on the agenda affirmed they had reviewed the Staff Reports for their respective applications and that they agreed with the conditions of approval within the Staff Reports, respectively. The Board asked if any members of the Board, Staff, or anyone in the in-person or online audience wished to remove any item from the consent agenda. Board member Philip San Filippo requested the following items be moved to the discussion agenda: #24-ZONE3621; #24-ZONE3623; and #21-ZONE3099.

Consent Applications:

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

File No: #24-ZONE3618
Owner: Pamela Spurgin and Mark Spurgin
Applicant: Greg Scott

Request: The Application of Greg Scott, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed deck addition to be located 70.8 feet from the centerline of Fish Creek where 100 feet is required, and for a proposed residential addition to be 73.1 feet from the centerline of Fish Creek where 100 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 revocation of the approval by the Board of Adjustment.
2. All future additions or buildings must go through the proper Larimer 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 required as-built permitting for the deck, basement finish, and wood stove, as identified within the Larimer County Code Compliance Department's comments, shall be completed following the approval of this variance application.
5. All future buildings on this property must comply with Larimer County floodplain regulations.

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

File No: #24-ZONE3624
Owner: Inglenook, LLC

Applicant: Perkins Family

Request: The Application of the Perkins Family, requesting a variance was presented to the Board. The Application requested a setback variance to allow a replacement porch roof to be located approximately 47 feet from the centerline of CR 69 where 70 feet is required; 17 feet from the centerline of seven-mile creek where 100 feet is required; and 17 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. All future additions or buildings that are proposed to be located closer to the property line than allowed in the Land Use Code must obtain approval for a setback variance from the Planning Division separate from this request.
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 applicant shall obtain an as-built building permit from the Larimer County Building Department for the covered porch roof as identified within the comments from the Larimer County Code Compliance Department.

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

File No: #24-ZONE3612
Owner: River Holdings, LLC
Applicant: Troy Jones, MTA Planning & Architecture

Request: The Application of Greg Scott, requesting a variance was presented to the Board. The Application requested a setback variance to allow 12 tents/glamping sites, one dumpster enclosure, and one deck for food preparation and dining to be closer than 100 feet from the centerline of a waterway.

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, buildings, or structures must go through the proper Larimer 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.

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

Discussion Applications:

The following applications were approved after discussion:

File No: #24-ZONE3621
Owner: Mary K. Musgrove and Mark A. Musgrove
Applicant: Mark Musgrove

Request: The Application of Mark Musgrove, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed addition to be located 94.5 feet from the centerline of the Cache la Poudre River where 100 feet is required.

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

Discussion:

Larimer County Planner Jacy McNulty presented the Staff presentation to the Board members. The Board discussed the outhouse currently existing on the property. The applicant stated that the outhouse is not in use. The Board then voted on the application.

Philip San Filippo 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 buildings or additions must go through the proper Larimer 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 required final inspection for the additional bedroom built under permit 97-R2159, as identified within the code compliance research, must be completed with the construction of the proposed addition no later than August 28, 2024.

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

File No: #24-ZONE3623
Owner: Marcie Henry and Shane Henry
Applicant: Marcie Henry and Shane Henry

Request: The Application of Marcie and Shane Henry, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing metal storage building to be located 5.9 feet from the side lot line where 7 feet is required and for two existing storage shed additions to be located 3.5 feet from the side lot line where 7 feet is required.

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

Discussion:

Larimer County Planner Jacy McNulty presented the Staff presentation to the Board members. Board member Philip San Filippo asked the applicant about the location of the two sheds and whether there were any alternative locations. The applicant explained the proposed location and explained the purpose of the sheds. Board Member Lauren Light asked if either Building or the responding fire authority had concerns with the application. Planner Jacy McNulty noted that neither agency had concerns. The Board discussed the need for as-built permits for the unpermitted structures. The applicant stated that he is working with Code Compliance Inspector Tony Brooks to obtain as-built building permits. The Board then voted on the application.

Philip San Filippo 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 revocation of the approval by the Board of Adjustment.

2. This variance request applies only to the existing metal storage building and the two existing storage shed additions on the east side of the home as described in the request. All future additions or buildings that are proposed to be located closer to the property line than allowed in the Land Use Code must obtain approval for a setback variance from the Planning Division separate from this request.

3. This approval shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

4. The applicant shall obtain as-built building permits from the Larimer County Building Department for the second story addition, the two storage shed additions on the east side

of the home, bedroom conversion(s), the metal storage building, and the second driveway access, as identified within the comments from the Larimer County Code Compliance Department.

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

File No: #21-ZONE3099
Owners: Joseph Coenen and Shannon Coenen
Applicants: Joseph Coenen and Joe Coop

Request: The Application of Joseph and Shannon Coenen, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed garage and deck to be located 15 feet from the front property line where 50 feet is required, and 25.5 feet from the side property line where 50 feet is required.

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

Discussion:

Larimer County Planner Laurea Culleton presented the Staff presentation to the Board members. Board member Philip San Filippo asked about the topography of the property. The applicant explained the topography and why it is difficult to comply with the setbacks. The Board asked about the one neighbor comment that was received. The applicant explained that they didn't know the context of the concern but that any aesthetic concerns would be addressed by the placement of the proposed garage. Board member Lauren Light asked about the septic system and proposed condition of approval six. The applicant explained that there was no intention for the proposed garage to serve as a dwelling unit. It was explained that any septic issues would be addressed at the building permit phase.

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 approvals 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 Larimer 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 indicating that the existing structure is located where shown on the Larimer County approved Plot Plan for this development.

5. The applicant must adhere to the following setback requirements: a minimum 5-foot setback from any septic tanks to any structure; a minimum 10-foot setback from the septic leach field to any structure.

6. Staff recommends the applicant read and address all referral agency comments. Comments may be enforced by the respective referral agencies, including those not included as conditions of approval in this report.

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

Other Business:

Carol Cochrane moved and Lauren Light seconded the motion to appoint Philip San Filippo as Vice-Chair of the Board. Board members Lee Taylor, Philip San Filippo, Lauren Light, David Leighton, Carol Cochrane voted in favor of the Motion.

Adjournment: The meeting was adjourned at 6:44 p.m.

(These proceedings were recorded by audio tape.)