

Date: Tuesday, June 22, 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 virtually via Zoom at 6:00 p.m., June 22, 2021, at which time the following business was transacted.

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

Staff Present: Don Threewitt (Planning Manager), Jenn Cram, Alyssa Martin, Doug May, Tracy Hicks (County Planners), and Frank Haug, (Senior Assistant County Attorney)

Minutes: Lee Taylor moved, and Carol Cochrane seconded the Motion to approve the April 27, 2021, and May 25, 2021, Minutes of the Larimer County Board of Adjustment as presented. Board members Carol Cochrane, Denise Jackson, Justin Smith, Lee Taylor and Joseph Wise voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Carol Cochrane moved, and Lee Taylor seconded the Motion to approve the following Findings and Resolutions: McCrann Setback Variance (#21-ZONE2929), Duncan #3 Setback Variance (#21-ZONE2920), Steele/Adjutant Setback Variance (#21-ZONE2924), Emery Family Venture Setback Variance (#21-ZONE2907), Heese Setback Variance (#21-ZONE2959), and Sampson Setback Variance (#21-ZONE2960). Approval of the Findings and Resolution for the Horizon Hills Mobile Home Park Blanket Setback Variance (#21-ZONE2919) was tabled to the July 27, 2021, Board of Adjustment meeting. Board members Carol Cochrane, Denise Jackson, Justin Smith, Lee Taylor and Joseph Wise voted in favor of the Motion.

Consent Applications:

The following applications were approved by consent:

File No:#21-ZONE2993 (Atkins 2nd Setback Variance)

Owners: Patricia and Michael Atkins

Applicant: Patricia C. Atkins

Request: The Application of Patricia C. Atkins, requesting a variance was presented to the Board. The Application requested a setback variance to allow a 24'x24' detached garage to be located

20 feet from the eastern corner of the proposed garage to the edge right-of-way and 23.2 feet from the western corner of the proposed garage to the edge of right-of-way, rather than the required minimum of 50 feet in the EV-RE 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. Lee Taylor 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 tuff shed is located where 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 2 additional bedrooms and bathrooms as identified by Code Compliance.

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

File No:#21-ZONE2974 (Wray Setback Variance)

Owners: John and Jan Wray

Applicant: John Wray

Request: The Application of John Wray, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed pole barn to be located 5’ from the south property line, 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. Lee Taylor 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.

5. A building permit for all unpermitted structures and additions must be obtained during the building permitting process.

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

File No: #21-ZONE2943 (Leming Setback Variance)

Owners/Applicants: Robyn and Barry Leming

Request: The Application of Robyn and Barry Leming, requesting a variance was presented to the Board. The Application requested a setback variance to allow front entry and steps to be constructed 6 feet from the front property line rather than the required minimum of 15 feet in the MHP – Manufactured Home Park 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. Lee Taylor 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. 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, Justin Smith, Lee Taylor and Joseph Wise voted in favor of the Motion. The Application was approved with conditions.

Discussion Applications:

The following application was denied after discussion:

File No:#21-ZONE2972

Owner: Thomas A. and Donna R. Chapel

Applicant: Thomas A. Chapel

Request: The Application of Thomas A. Chapel, requesting a variance was presented to the Board. The Application requested a setback variance to allow two 8'x10' pergolas to be installed 20 feet from the side property line, rather than the minimum required 50 feet in the EV RE Estes Valley Rural Estate zone.

Action: The request was removed from the consent agenda by an audience member for a full proceeding.

Staff, Doug May gave a brief presentation that covered the details of the request and review criteria for a setback variance.

The Applicant indicated that the request was to build two adjoining pergolas under which he would store his RV. The neighbor who owns the property to the North, Gary McFarlane objected to the request due to the visual impact as the Pergolas would be directly south of his deck and visible from his home. The Board discussed the potential for screening as well as other considerations. Board Member Taylor asked the Applicant whether other spots on the property were available. The Applicant indicated that the other spots would also encroach into the setback, are within a drainage area, or would require additional blasting to be feasible. Additionally, the Applicant indicated that in order to access the back of his property it would require that a new access be constructed. The Applicant also indicated that he wanted to avoid removing trees as much as possible. Board Member Taylor indicated he agreed that it is best to avoid removing trees where possible and that construction of a new access is also not ideal. Board Member Taylor also asked how far Mr. McFarlane's deck was from the proposed structure, and it was indicated to be about 125 feet.

Chair Wise indicated he could see both sides of the situation and asked whether there was some amount of natural screening that could be put in place to mitigate the visual effects. The Applicant indicated he was willing to plant trees along the northern side of the pergolas to screen the structure from the view of the McFarlane deck. Mr. McFarlane indicated that such screening would help. Board Member Smith expressed concern that such screening is difficult to monitor and that such natural screening may die, or if the properties are sold to other parties, that the screening may not be sufficient to mitigate concerns or may not be maintained

by future owners. The Board discussed a potential additional condition to add to the Resolution requiring the Applicant to install and maintain landscape screening to screen the structure from the view of the neighbor to the north. The screening shall be consistent with the area and a minimum of six feet at planting.

Lee Taylor moved, and Carol Cochrane seconded the Motion to approve the Application.

Board members Denise Jackson, Lee Taylor and Joseph Wise voted in favor of the Motion. Board members Carol Cochrane and Justin Smith voted against the Motion. The Application was denied for failure to receive the requisite four votes in favor.

Adjournment: The meeting was adjourned at 6:57 p.m.

(These proceedings were recorded by audio tape.)

LARIMER COUNTY BOARD OF ADJUSTMENT

By: _____
Chair

ATTEST:
