

Date: Tuesday, March 23, 2021
Time: 6:00 PM
Location: Virtual Hearing

BOARD OF ADJUSTMENT HEARING MINUTES

The regular meeting of the Larimer County Board of Adjustment was via video conference at 6:00 p.m., March 23, 2021 at which time the following business was transacted.

Board Members Present: Carol Cochrane, Lee Taylor, Justin Smith, Joseph Wise, Philip San Filippo (arrived late)

Staff Present: Lesli Ellis (Community Development Director), Don Threewitt (Planning Manager), Michael Whitley, Jenn Cram, Alyssa Martin, Tracy Hicks (County Planners), and Frank Haug (Senior Assistant County Attorney)

Minutes: Carol Cochrane moved and Justin Smith seconded the Motion to approve the February 23, 2021 Minutes of the Larimer County Board of Adjustment *with correction to the spelling of the Doiron Setback Variance*. Board members Carol Cochrane, Lee Taylor, Justin Smith, and Joseph Wise voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Lee Taylor moved and Carol Cochrane seconded the Motion to approve the following Findings and Resolutions: Langfield Setback Variance (#21-ZONE2865), Town of Estes Park Water Setback Variance (#21-ZONE2878), Ruby Setback Variance (#21-ZONE2863), Dashnaw Setback Variance Extension (#17-ZONE2266), Red Feather Lakes Library Setback Variance (#21-ZONE2877), Doiron Insurance Trust Setback and Height Variances (#20-ZONE2839) *with correction to the spelling of Doiron*, and Martinson-Wilson Setback Variance (#21-ZONE2872). Board members Carol Cochrane, Lee Taylor, Justin Smith, and Joseph Wise voted in favor of the Motion.

Tabled Application:

File No: #21-BOA2866 (Carlson 57 Falls Creek Setback Variance)

A request to table the Carlson 57 Falls Creek Setback Variance to April 27, 2021 was made *and consented to by the applicant???*.

The request was granted by consensus of the Board members.

Consent Applications:

The following applications were approved by consent:

File No: #20-ZONE2640 (Newton Setback Variance Extension)
Owner/Applicant: Chip Newton

Request: The Application of Chip Newton, requesting a variance was presented to the Board. The Application requested a setback variance to allow the construction of a garage addition to be located 50' from the right-of-way centerline rather than the required minimum of 70' feet in the R-Residential 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. 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 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 existing building is located where shown on the Larimer County approved Plot Plan for this development.
5. The garage must be oriented such that the garage doors are south facing as shown on the site plan.

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

File No: #20-ZONE2901 (Moulton-Randinitis Setback Variance)
Owners: Scott Moulton and Karen Randinitis
Applicant: Scott Moulton, Karen Randinitis and David Bangs, PE with Trail Ridge Consulting Engineers

Request: The Application of Scott Moulton, Karen Randinitis and David Bangs, PE with Trail Ridge Consulting Engineers, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing deck to be located 8'9" from the south property line rather than the required minimum of 15' in the EV A1 – Accommodations/Low Intensity 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. 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 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 Carol Cochrane, Lee Taylor, Justin Smith, Joseph Wise, and Philip San Filippo voted in favor of the Motion. The Application was approved with conditions.

Discussion Applications:

The following application was approved after discussion:

File No: #21-ZONE2898 (Murphy Setback Variance)
Owners: Estate of Mary S. Murphy, Jamie Fetkewicz and John Murphy
Applicant: Jamie Fetkewicz

Request: The Application of Jamie Fetkewicz, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing building to be located 2.5' from a side property line rather than the required minimum of 25' and a variance to allow an existing home and deck to be located 29.6' from the centerline of a waterway rather than the required minimum of 100' in the EV E-1 - Estes Valley Estate zone.

Action: The request was removed from the consent agenda for a full proceeding. 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 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 deck and workshop building are located where shown on the Larimer County approved Plot Plan for this development.

5. *The cabin structure may not be used as sleeping quarters.*

Adjournment: The meeting was adjourned at 6:45 p.m.

(These proceedings were recorded by audio tape.)