

Date: Tuesday, June 24, 2025

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_zdZx4V_YQ4qP2Xc0cRHEuw

BOARD OF ADJUSTMENT HEARING MINUTES

The Larimer County Board of Adjustment met in the County Board Hearing Room at the Larimer County Administrative Services Building in Fort Collins, Colorado, and virtually via Zoom at 6:00 p.m. on Tuesday, June 24, 2025, at which time the following business was transacted.

Board Members Present: Philip San Filippo, Lauren Light, Lee Taylor, and Brannon Hughes. Member David Leighton joined the meeting at 6:15 p.m.

Staff Present: Samantha Lasher, Kassidee For, Samantha Mott, Ryane Oswandel, and Christina Scrutchins from the Community Development Planning Division; David Pringle from the Community Development Engineering Division; and Christine Luckasen, Assistant County Attorney.

APPROVAL OF THE MINUTES

Board Member Taylor moved, and Board Member Light seconded the motion to approve the May 27, 2025, minutes of the Larimer County Board of Adjustment, as presented. Member Leighton was not present for this item. The motion carried (4-0).

CONSENT ITEMS

ITEM NO. 1 – WEISS FAMILY VENTURES SETBACK VARIANCE #2, FILE NO. 25-ZONE3780

MOTION

Member Taylor moved, and Member Hughes seconded the motion that the Board of Adjustment adopt the following Resolution: BE IT RESOLVED that the Larimer County Board of Adjustment approve the consent agenda as presented. Member Leighton was not present for this item. The motion carried (4-0).

DISCUSSION ITEMS

ITEM NO. 1 – DE LA CRUZ SETBACK VARIANCE, FILE NO. 23-ZONE3559

Member Leighton was present for this item.

[View Staff Presentation](#)

APPLICANTS PRESENTATION

The applicant provided an extensive background on the development, emphasizing the property's unique topography and lot constraints that have shaped the project since its purchase in 2014. The intention from the outset has been to construct a home with high safety standards, environmental sensitivity, and community awareness. A multidisciplinary team—including Collab Architects and specialists in mechanical, civil, and environmental engineering—was engaged to ensure the project met these goals. A central design feature is the elevation of the home, allowing continued passage for local wildlife and minimizing environmental disruption. The layout was also carefully planned to maintain sunlight on the roadway and avoid casting shadows or interfering with traffic. A walkable green roof contributes to this visual and environmental harmony. Utility easement accommodations have been thoroughly coordinated with the local utility provider, including agreements to bury existing lines or, alternatively, reroute them with additional poles. Previous considerations to merge adjacent lots were ultimately abandoned as they no longer served a practical purpose. The applicant noted a strong architectural background, with family roots in international airport design, underscoring the thoughtful and resource-intensive planning invested in this home. The location near Horsetooth Reservoir was selected due to longstanding recreational ties to the area, including training and outdoor activities. Throughout the process, the applicant has prioritized respecting neighbors, protecting wildlife, and honoring the natural environment while building a legacy for future generations.

BOARD OF ADJUSTMENT, STAFF, APPLICANTS COMMENTS

The Board and Staff reviewed the variance request in the context of steep slopes on the site, with mapping confirming that portions of the lot fall below the 30% grade threshold. Staff clarified that a previous lot consolidation and an accessory dwelling application were withdrawn, and the current setback variance was first submitted in 2023, then revised and resubmitted in 2025. Discussion focused heavily on a utility easement along the eastern property line. While the six-foot easement was platted with the subdivision, its current use is unclear, and collaboration with Poudre Valley REA will be required. The applicant outlined three utility relocation plans—burying the line, rerouting it along the contour, or adding poles—and confirmed readiness to proceed financially upon approval. The proposed home will feature a green roof situated below Edith Drive to preserve sunlight and reduce visual impact. The primary building site was chosen as the flattest, most usable area; relocating the home uphill would disrupt natural drainage. The parking area will be accessed by a sloped ramp to a flatter lower pad. The applicant agreed to install a guardrail along the northern property line per staff recommendations and confirmed willingness to meet county or CDOT standards. Jordan Lochner, Collab Architecture, estimated an 8-foot horizontal distance between the home and the proposed guardrail, with the home positioned well below the roadway. Concerns from a neighbor about shadows and road safety were addressed, with the architect confirming the house will not cast shadows on Edith Drive. A guardrail along the eastern curve may be considered if warranted for safety. Snow storage concerns stem from historical use of the lot as a plowing dump site, but drainage impacts have been ruled out by engineering reports. The applicant has contributed to private road maintenance since 2014 and has financially supported road work, including covering shares for others. Visual aids demonstrated the significant elevation drop from the road to the proposed foundation, reinforcing minimal impact to sightlines and road use.

PUBLIC COMMENT

Jason Lang

Comments

- If the house is truly below grade, that would help alleviate concerns about shadows contributing to ice formation on the road.
- The suggested location for a guardrail—at the northeast corner of the property, off-site—may help inform improved road safety measures.
- A potential inconsistency exists between the 10-foot contour lines and the stated 140-foot elevation change, raising doubts about the accuracy of the grading data.
- Proximity of the house to the steep roadway raises concerns that erosion could affect the stability of the structure or the road itself.
- While being below grade may reduce shadowing, it could also increase heat exposure and raise questions about the home's energy efficiency and comfort.
- The statement that hills block sunlight in winter is challenged, with the suggestion that no part of the road is fully shaded by the natural terrain.
- The below-grade placement of the house was not clearly shown in the submitted plans, making it difficult to fully evaluate its impact.
- A guardrail is recommended for an area off the applicant's property, which could be challenging to implement and may fall outside the applicant's responsibility.

APPLICANTS REBUTTAL

The applicant expressed appreciation for the neighboring resident's engagement and concern, noting it reflects a community that values thoughtful development. In response to safety concerns, extensive research was conducted into the lot's history, revealing no record of vehicles sliding off the road. Concerns about the potential for the home to slide downhill were also considered early in the design process. The foundation and structural plans were engineered specifically to address the steep terrain, ensuring that the home is stabilized and safeguarded against movement. The design incorporates architectural and engineering measures to eliminate the risk of the structure sliding or rolling downhill.

BOARD OF ADJUSTMENT, STAFF, AND APPLICANT DISCUSSION:

The Board discussed the proposed guardrail, clarifying that the original recommendation along the northern property line would primarily protect the residence from vehicles veering off the road. However, concerns raised by a neighbor identified a more critical safety risk near the northeast curve of Edith Drive, where a vehicle could slide off the road due to steep drop-offs. Board members emphasized that off-site improvements, such as a guardrail at this curve, fall outside the applicant's responsibility and scope of the variance. County staff and the Assistant County Attorney confirmed that improvements on public right-of-way would require a right-of-way permit and must meet applicable engineering standards, typically certified by a private engineer. The Board favored specificity in the conditions, suggesting revisions to ensure the guardrail is built to either Larimer County or CDOT standards and remains the sole responsibility of the property owner and future successors. Staff proposed revised language for conditions to allow placement flexibility, enabling the professional engineer and County Engineering to determine the most effective location—likely along the traveled way, not the lower property line, to maximize safety. The applicant requested additional guidance to avoid uncertainty in the design process, explaining that while cost was not a limiting factor, lack of clear design expectations could prevent an engineer from finalizing a viable solution. The Board responded that flexibility had been built into the condition, allowing a professional engineer to

determine appropriate standards—such as CDOT—and submit a design acceptable to the County Engineering Department. The applicant acknowledged and accepted this clarification. The discussion also addressed the condition requiring vacation of the utility easement. Board members expressed concern about tying this requirement to the certificate of occupancy (CO) rather than to building permit issuance. Staff and legal counsel agreed to revise the condition to require proof of easement vacation prior to permit issuance, thereby preventing construction from proceeding without resolution. Through the discussion, Board members noted that initial concerns about the five-foot setback variance were alleviated after reviewing the below-grade house design, the 17-foot buffer from the traveled way, and the applicant's commitment to installing a guardrail and preserving drainage and wildlife paths. Confidence was expressed that long-term concerns such as erosion, snow removal, and roadway impacts would be addressed through the permitting process, and appreciation was noted for the applicant's effort to design a home that fits the challenging site responsibly.

MOTION

Member Taylor moved, and Member Light seconded the motion that the Board of Adjustment adopt the following Resolution: BE IT RESOLVED that the Larimer County Board of Adjustment approve the De La Cruz Setback Variance, File No. 23-ZONE3559, subject to the conditions outlined in the staff report and as amended during the June 24, 2025, hearing. The motion carried. (5-0).

REPORT FROM STAFF

Staff Member Lasher announced that the hearing marked David Leighton's final meeting as a Board of Adjustment member, with his term concluding in a few days. Appreciation was expressed for three years of dedicated service, highlighting the positive impact made during that time. Member Leighton responded with gratitude, noting the pleasure of working alongside the group. Staff confirmed that the Board of County Commissioners would send a certificate of appreciation. Member San Philipppo also extended thanks, recognizing Leighton's contributions and expressing it had been a pleasure to serve together.

ADJOURN

With there being no further business, the hearing adjourned at 7:27 p.m.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.



BOARD OF ADJUSTMENT HEARING

De La Cruz Setback Variance,
File No. 23-ZONE3559

LARIMER COUNTY: COMMUNITY DEVELOPMENT



DE LA CRUZ SETBACK VARIANCE 23-ZONE3559

BOARD OF ADJUSTMENT: JUNE 24, 2025



VICINITY MAP



4216 Edith Drive
Fort Collins, CO 80526

Parcel # 97313-09-029

Located west of
Horsetooth Reservoir
in the Cushman's
Lakeview 2nd Filing
Subdivision

REQUEST

Zoning: O-Open
Lot Size: 0.6 acres

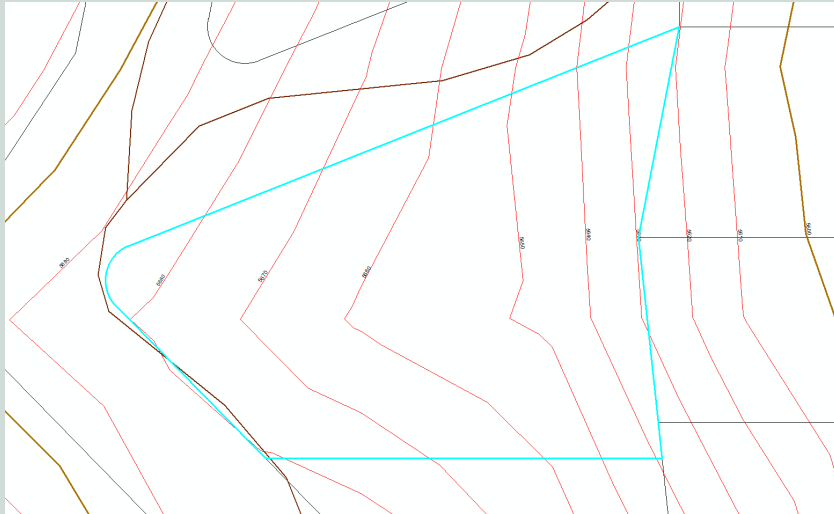
Setback Variance for a new single-family residence to be 5-feet from the north property line along Edith Drive, where 25-feet is required.



Source: Larimer County GIS

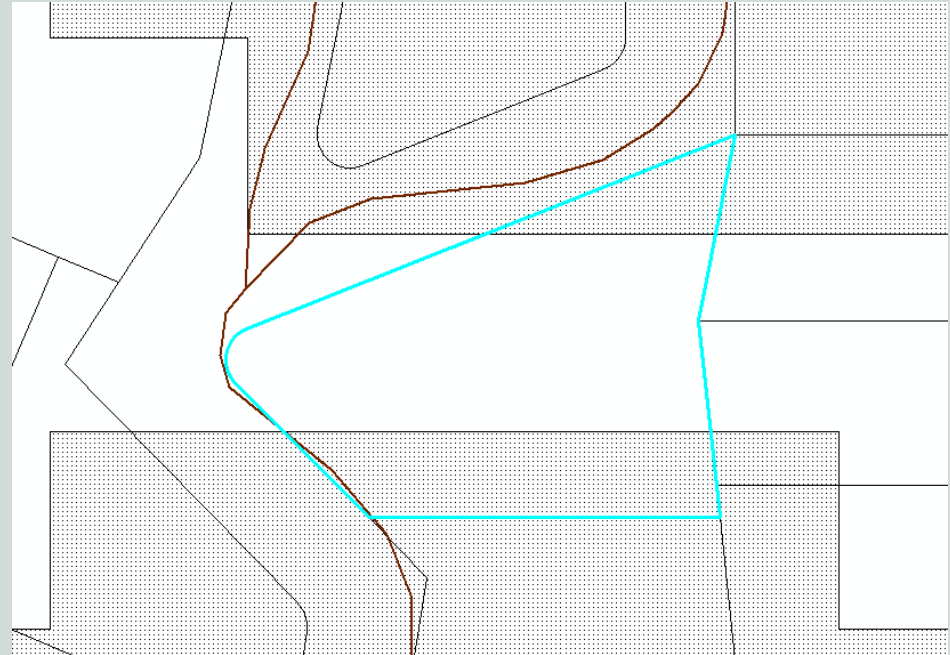
Source: Applicant

TOPOGRAPHY CHALLENGES



10-foot contour lines (in red)
Top of the property is 140' higher than
the bottom, per the applicant

Source: Larimer County GIS



Slopes > 30% (in shaded areas)

Source: Larimer County GIS

SITE PHOTOS



Photos
taken by
staff on
May 2, 2025

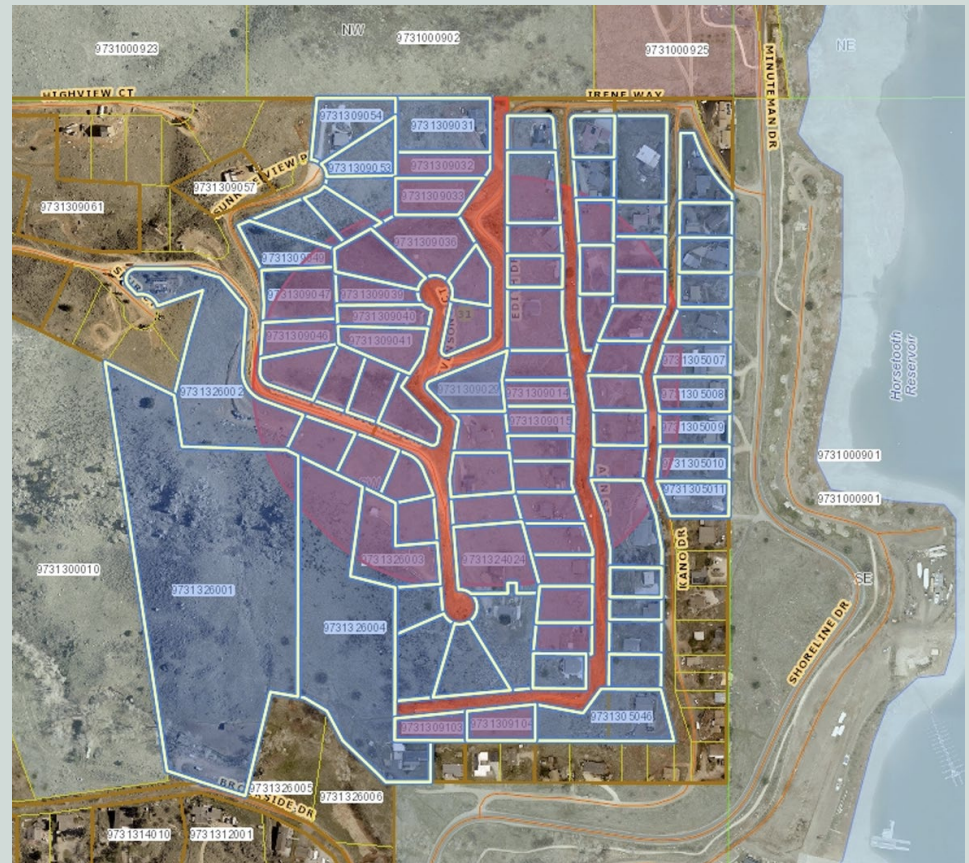
SITE PHOTOS



Photos
taken by
staff on
May 2, 2025

COMMUNITY MEMBER NOTIFICATION

- Community member notification was sent to **90 properties** within 500-feet of the subject property and to other owners within the Cushman's Lakeview 2nd Filing.
- Comments from **three (3) community members** were received. (Attachment F, memo and paper copies).
- The applicant's response to one community member is included in the packet (Attachment G).



REFERRAL AGENCIES

Internal Referral Agencies

- No concerns or comments from the Building Division, Code Compliance Division, or the Health Department.
- The Engineering Department indicated that the applicant has addressed all of their comments and concerns. To improve safety for the owner and the general public, they support a condition of approval (#5) to add a guardrail along the northern property line.

External Referral Agencies

- No concerns from the Poudre Fire Authority.
- Poudre Valley REA had no comments specific to the Variance. A condition of approval (#6) has been added that requires the owner to coordinate with Poudre Valley REA for the vacation and relocation of the existing easement before the Certificate of Occupancy is issued for the residence.

REVIEW CRITERIA

To approve a Zoning Variance application, the Board of Adjustment must find that paragraph (1), (2), or (3), has been met and that paragraph 4, 5, and 6 have each been met (Section 6.7.3.D. of the Land Use Code):

1. Strict compliance with the standard sought to be varied will cause either
 - (i) a peculiar and exceptional practical difficulty or,
 - (ii) an exceptional physical condition of the property such as narrowness, shallowness, topography or location of the property, or other extraordinary and exceptional situation unique to the property provided the difficulty or hardship is not caused by the act or omission of the applicant, or
2. The requested variance will promote or maintain the general purpose of the standard for which the variance is sought and will be equal to or better than the standard, or
3. The requested Variance will diverge from the standard only in a nominal, inconsequential way when considered in the context of property in the vicinity of the subject land or structure.
4. Granting the Variance will not result in a substantial adverse impact on other properties in the vicinity of the subject land or structure, or be a detriment to the public good.
5. Granting the Variance will not substantially impair the intent and purpose of the Land Use Code and Comprehensive Plan.
6. The recommendations of referral agencies have been considered.

STAFF RECOMMENDATION

The Development Services Team recommends Approval of the De La Cruz Setback Variance, File No. 23-ZONE3559, subject to 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 Division must be provided with a written certification by a Colorado Licensed Land surveyor that the proposed residence is located where shown on the Larimer County approved Plot Plan for this development.
5. The applicant shall coordinate with the Larimer County Engineering Department and a licensed engineer, to be retained at the sole cost of the property owner, to determine the best location of the guardrail. The applicant shall obtain a Right-of-Way permit from the Larimer County Engineering Department as part of the guardrail installation. Installation and maintenance of the guardrail is the sole responsibility of the property owner, their heirs, successors, and assigns.
6. The existing 20-foot private overhead power line easement, as shown on the Site Plan, must be vacated since the new residence will encroach into this easement. The applicant can work with Poudre Valley REA for the vacation of the existing easement and re-dedication of a new easement, as applicable. Proof of vacation must be provided to the Planning Division prior to issuance of the building permit for the single-unit residence.

SUGGESTED MOTION

I move that the Board of Adjustment Approve the De La Cruz Setback Variance, File No. 23-ZONE3559, subject to the conditions in the staff report and as amended during the June 24, 2025 hearing.