

Date: Tuesday, February 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 held via video conference at 6:00 p.m., February 23, 2021 at which time the following business was transacted.

Board Members Present: Joseph Wise, Justin Smith, Carol Cochrane, Denise Jackson, and Philip San Filippo

Staff Present: Community Development Director Lesli Ellis; Planning Manager Don Threewitt; Planners Michael Whitley, Jenn Cram, Alyssa Martin, Tawn Hillenbrand, and Doug May; Senior Assistant County Attorney Frank Haug.

Minutes: Philip San Filippo moved and Carol Cochrane seconded the Motion to approve the January 26, 2021 Minutes of the Larimer County Board of Adjustment as presented. Board members Joseph Wise, Justin Smith, Carol Cochrane, Denise Jackson, and Philip San Filippo voted in favor of the Motion. The Minutes were unanimously approved.

Consent Applications:

The following applications were approved by consent:

File No: #21-ZONE2878 (Town of Estes Park Water Setback Variance)
Owner: Town of Estes Park
Applicant: Chris Eshelman with Town of Estes Park Water

Request: The Application of Chris Eshelman with Town of Estes Park Water, requesting a variance was presented to the Board. The Application requested a setback variance to allow improvements to the existing Town of Estes Park's Glacier Creek Water Treatment Plant to be located 40 feet from the centerline of Glacier Creek, rather than the required minimum of 100 feet in the EV A-Accommodations/Highway Corridor zoning district.

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. Justin Smith 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 applicants (a) take affirmative action consistent with this approval, OR (b) submits a written request showing good cause to extend the one-year time limit.

4. If drainage patterns will be changed, a drainage plan will need to be submitted to the Engineering Department for review and approval.

5. During construction, erosion control measures must be used to eliminate any silt or materials from entering the nearby canal. In addition, all disturbed areas must be properly revegetated as soon as practicable.

6. 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 Joseph Wise, Justin Smith, Carol Cochrane, Denise Jackson, and Philip San Filippo voted in favor of the Motion. The Application was approved with conditions.

File No: #21-ZONE2863 (Ruby Setback Variance)

Owners: Scott and Judy Ruby

Applicant: Scott and Judy Ruby and David Bangs with Trail Ridge Consulting Engineers

Request: The Application of Scott and Judy Ruby and David Bangs with Trail Ridge Consulting Engineers, requesting a variance was presented to the Board. The Application requested a setback variance to allow a garage addition to be located 9 feet from the west property line rather than the required minimum of 25 feet in the EV E1-Estate zoning district.

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. Justin Smith 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 applicants (a) take affirmative action consistent with this approval, OR (b) submits a written request showing good cause to extend the one-year time limit.

4. If drainage patterns will be changed, a drainage plan will need to be submitted to the Engineering Department for review and approval.

5. 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 Joseph Wise, Justin Smith, Carol Cochrane, Denise Jackson, and Philip San Filippo voted in favor of the Motion. The Application was approved with conditions.

File No: #21-ZONE2877 (Red Feather Lakes Library Setback Variance)
Owner: Red Feather Lakes Library
Applicant: Sandbox Solar c/o G.J. Pierman

Request: The Application of Sandbox Solar c/o G.J. Pierman, requesting a variance was presented to the Board. The Application requested a setback variance to allow a new carport to be located 8 feet from the front property line rather than the required minimum of 25 feet in the RFLB – Red Feather Lakes Business zoning district.

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

File No: #21-ZONE2872 (Martinson-Wilson Setback Variance)
Owners/Applicants: Dean Martinson and Nancy Wilson

Request: The Application of Dean Martinson and Nancy Wilson, requesting a variance was presented to the Board. The Application requested a setback variance to allow a 26'x34' detached garage to be constructed 16 feet from front (street/road) property line, due to topographic constraints, rather than the required minimum of 25 feet in the EV E1 – Estes Valley Estate zoning district.

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. Justin Smith 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. This may include additional variance requests for the above-mentioned structures that do not have building permits or inspection approvals.

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) submits a written request showing good cause to extend the one-year time limit.

4. Prior to further construction, the Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land surveyor that the proposed structure is located where shown on the Larimer County approved Plot Plan for this Department.

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

Discussion Applications:

The following application was denied after discussion:

File No: #21-ZONE2865 (Langfield Setback Variance)
Owners/Applicants: John and Gina Langfield

Request: The Application of John and Gina Langfield, requesting a variance was presented to the Board. The Application requested a setback variance to allow a new single-family home to be constructed 15 feet from the north property line rather than the required minimum of 25 feet in the E1-Estate zoning district.

Action: The request was removed from the consent agenda for a full proceeding. Justin Smith moved and Carol Cochrane seconded the Motion to approve the Application.

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

The following applications were approved after discussion:

File No: #17-ZONE2266 (Dashnaw Setback Variance Extension)
Owner/Applicant: Keith Dashnaw

Request: The Application of Keith Dashnaw, requesting a variance extension was presented to the Board. The Application requested an extension to December 19, 2021 to provide additional time to prepare and submit the building permit for a previously-approved setback variance. The Dashnaw Setback Variance was approved by the Board of Adjustment on November 28, 2017, and the Findings and Resolution was approved on December 19, 2017. The Dashnaws had one year to act on the original approval. The Dashnaws requested an extension to the variance that was approved on January 22, 2019 giving them until December 19, 2019 to act on the original approval. Another extension was requested prior to December 19, 2019. That extension request

was approved on January 28, 2020 and the Findings and Resolution was approved February 25, 2020.

Action: The request was removed from the consent agenda for a full proceeding. Justin Smith 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 from the date of this Resolution unless the applicant takes affirmative action consistent with this approval. No additional extensions will be supported by the Development Services Team.
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.
5. The applicant must hire an Engineer to demonstrate that the location and lowest opening of the new greenhouse is set above the 100-year flood limits to minimize potential injury and structural damage in a major flood event.

Per the letter dated January 23, 2018, the Community Development Director at the time Terry Gilbert stated the following: "A written certification, by a Colorado Licensed Land surveyor will not be required, if the current greenhouse or any future replacement greenhouse is placed where the current foundation is located."

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

File No: #20-ZONE2839 (Doiron Setback Variance)
Owner: Craig A. Doiron Insurance Trust and Janice K. Barnett
Applicant: Don Darling with Darling Enterprise

Request: The Application of Don Darling with Darling Enterprise, requesting a variance was presented to the Board. The Application requested a setback variance to allow a townhouse building to be 2.5 feet from a side property line rather than the required minimum of 5 feet and requests height variances to allow four townhomes to be 37 feet, 34 feet, 34 feet and 35 feet tall rather than the maximum building height of 30 feet in the EV E-1 – Estes Valley Estate zoning district.

Action: The request was removed from the consent agenda for a full proceeding. Justin Smith 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 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. Prior to construction, the Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land Surveyor that the proposed structure is located where shown on the Larimer County approved Plot Plan for this development.

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

January Findings and Resolution: Carol Cochrane moved and Philip San Filippo seconded the Motion to approve the following Findings and Resolution: Mark Sullivan Setback Variance (#20-ZONE2805). Board members Joseph Wise, Justin Smith, Carol Cochrane, Denise Jackson, and Philip San Filippo voted in favor of the Motion.

Adjournment: The meeting was adjourned at 7:54 p.m.

(These proceedings were recorded by audio tape.)