

Date: Tuesday, August 26, 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, August 26, 2025, at which time the following business was transacted.

Board Members Present: Philip San Filippo, Lauren Light, Forrest Hancock, and Brannon Hughes.

Staff Present: Rebecca Everette, Samantha Lasher, Laura Culleton, Jared Seay, and Ryane Oswandel from the Community Development Planning Division; Christine Luckasen from the Larimer County Attorney.

Board of County Commission present included: Commissioner John Kefalas

APPROVAL OF THE MINUTES

Board Member Hancock moved, and Board Member Light seconded the motion to approve the June 24, 2025, minutes of the Larimer County Board of Adjustment, as presented. The motion carried (4-0).

APPROVAL OF FINDINGS AND RESOLUTION

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

MOTION

Member Hughes moved, and Member Hancock seconded the motion that the Board of Adjustment adopt the following Resolution: BE IT RESOLVED that the Larimer County Board of Adjustment approve the Findings and Resolution. The motion carried (4-0).

CONSENT ITEMS

ITEM NO. 1 – PETTINGER SETBACK VARIANCE, FILE NO. 25-ZONE3776

ITEM NO. 2 – LOT 2 MOUNTAIN SUNSET TOWNHOME HEIGHT VARIANCE, FILE NO. 25-ZONE3781

ITEM NO. 3 – HOLLINGSWORTH SETBACK VARIANCES, FILE 24-ZONE3628

MOTION

Amendment: Board Member Hancock requested Consent Item No. 1 - Pettenger Setback Variance, File No. 25-ZONE3776, to be moved to discussion.

Member Hughes moved, and Member Hancock 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 amended, subject to the conditions outlined in the staff reports. The motion carried (4-0).

DISCUSSION ITEMS

ITEM NO. 1 – PETTENDER SETBACK VARIANCE, FILE NO. 25-ZONE3776

[View Staff Presentation](#)

APPLICANTS PRESENTATION

The applicant explained that property improvements were motivated by age, health, the economy, and a desire to relocate permanently from Arvada to Fort Collins. A carport was covered to store antiques collected for over 30 years, but the work stopped after learning a building permit was required; one carport was also removed after being found to encroach on a road easement. Because of the property slopes, usable space is limited, and a pergola was added to address snow hazards near the back door. The lot's corner designation created additional setbacks and easements along Anne Street and Irene Way, which were not initially understood. The property was purchased with a home, a utility shed, and prior permits, and records show numerous permits obtained over the past decade. The applicant emphasized a strong connection to the community, requested approval of setback variances, and expressed intent to sell the Arvada home to become full-time Larimer County residents.

BOARD OF ADJUSTMENT, STAFF, APPLICANTS COMMENTS

The Board of Adjustment requested clarification on property history and documents in the packet, focusing on a structure labeled "garage without foundation slab." The applicant confirmed this was the enclosed carport, constructed with concrete board rather than a slab. Discussion turned to Condition 5 regarding fire rating, with staff clarifying that fire separation distances are measured from the property line rather than between structures. The applicant explained that code compliance review began after receiving a note from Staff Member Chad Gray stating that covering the carport was not permitted without a building permit. The Board confirmed that the structure required a permit but also noted the applicant did not intend to construct additional buildings. Further review of the site plan showed that one structure had been removed from the right-of-way, and a stone pad now held an antique wagon. Staff confirmed that, as the pad was at grade, it did not require a permit and was not considered part of the variance request. The Board concluded that the wagon site was not a permanent structure and therefore required no action, noting that future right-of-way expansion could address it if necessary.

PUBLIC COMMENT

None.

APPLICANTS REBUTTAL

No rebuttal was given.

BOARD OF ADJUSTMENT DISCUSSION:

No discussion occurred.

BOARD OF ADJUSTMENT DELIBERATION

The Board of Adjustment emphasized the importance of not approving anything that could restrict neighboring property development but confirmed that concerns about fire separation had been addressed. A site visit confirmed the property was well maintained, though the corner lot created the challenge of two front setbacks. The Board noted that the existing structures appeared to have been built gradually over many years rather than as recent additions and expressed appreciation that the applicant was now pursuing proper permits. With no objections to the application, the Board indicated support and a willingness to vote in favor once a motion was made.

MOTION

Member Light 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 Pettenger Setback Variance, File No. 25-ZONE3776, subject to the conditions of approval outlined in the staff report. The motion carried (4-0).

REPORT FROM STAFF

Staff Member Lasher announced that Brandon had been officially promoted from an alternate to a regular member of the Board of Adjustment. The new term began in July and will continue through June 2028. Congratulations and appreciation were expressed for Brandon's service.

ADJOURN

With there being no further business, the hearing adjourned at 6:30 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.



PLANNING COMMISSION HEARING

Boxelder Townhomes Planned
Land Division PD Rezone,
File No. 23-LAND4348

LARIMER COUNTY: PLANNING



BOXELDER TOWNHOMES PLANNED LAND DIVISION & PLANNED DEVELOPMENT, FILE NO. 23-LAND4348

PC 8/20/2025



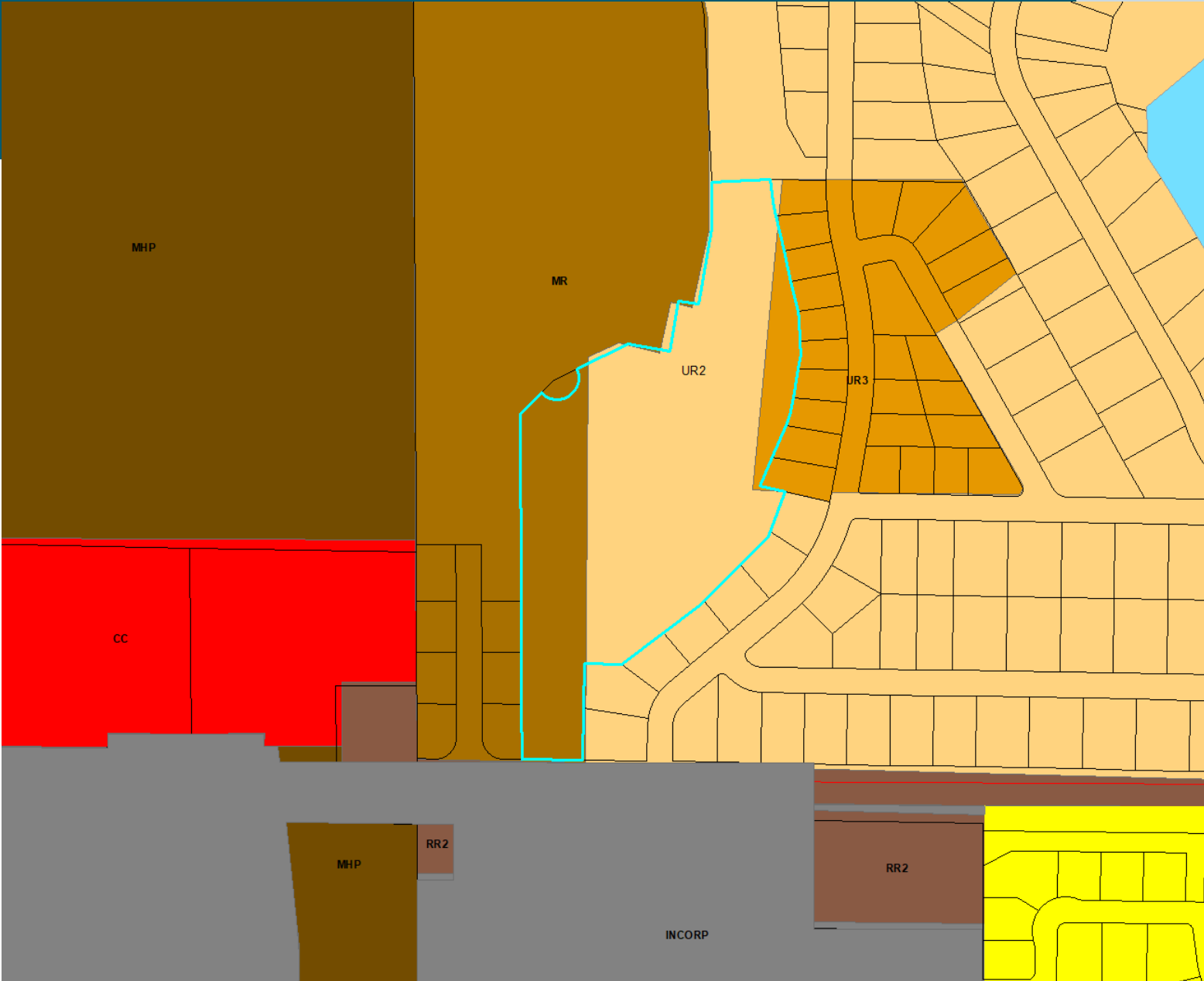
Request:

A combined Preliminary and Final Planned Land Division to consolidate two lots into one parcel and a rezoning from MR – Multi-Unit Residential, UR2 – Urban Residential, and UR-3 – Urban Residential to PD - Planned Development

BOXELDER TOWNHOMES PLANNED LAND DIVISION & PLANNED DEVELOPMENT, 24-LAND4348



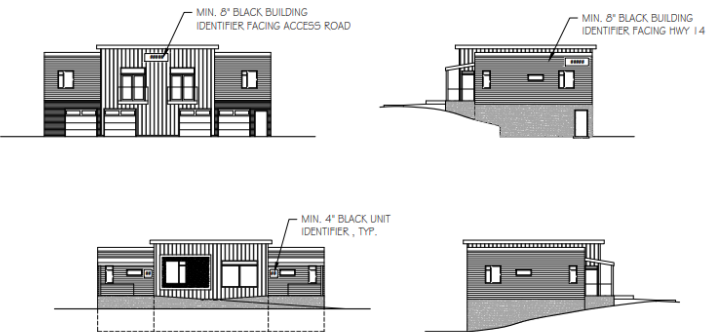
BOXELDER TOWNHOMES PLANNED LAND DIVISION & PLANNED DEVELOPMENT, 24-LAND4348



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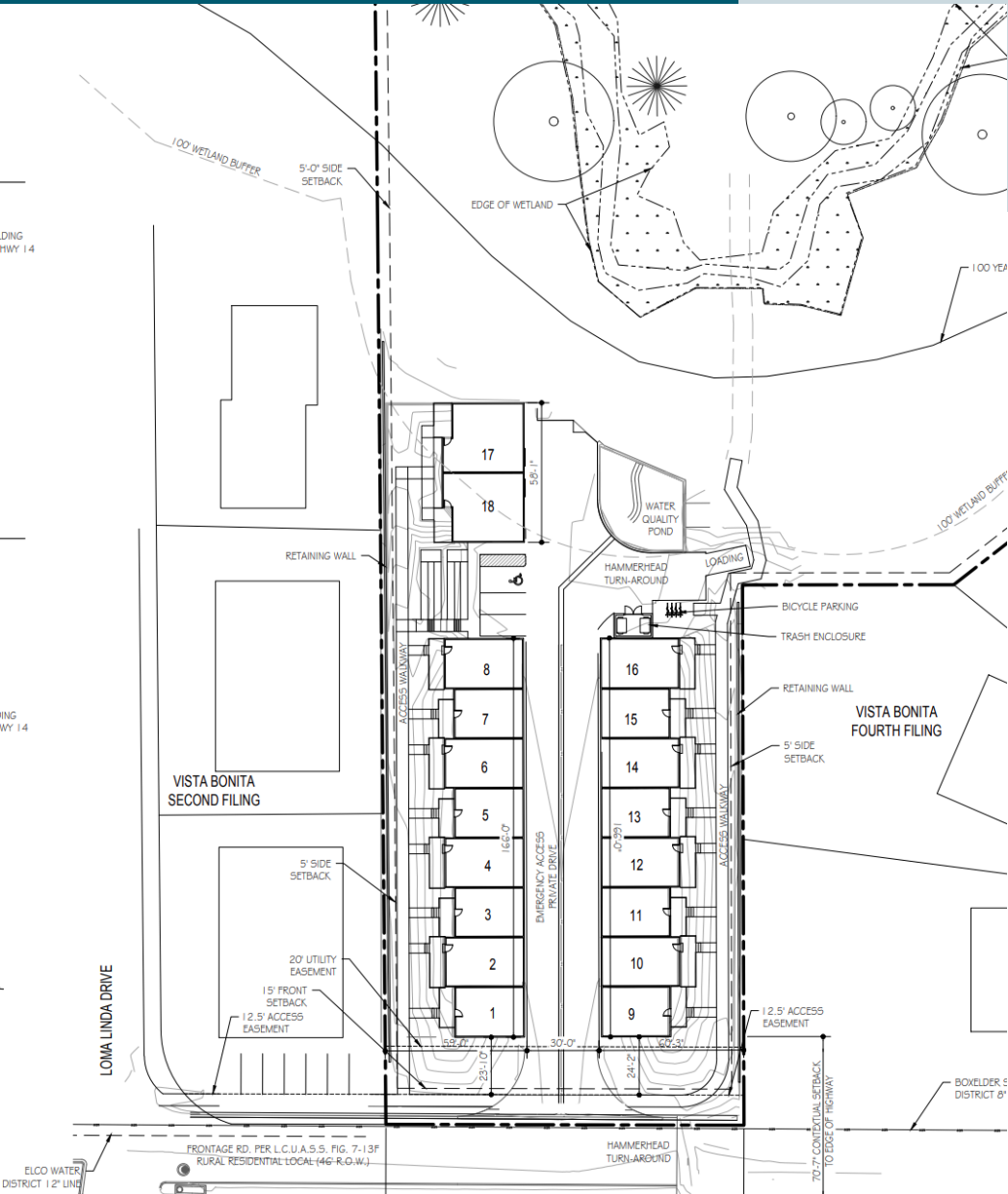


2 8-PLEX CONCEPT ELEVATIONS
SCALE: 1/16" = 1'-0"

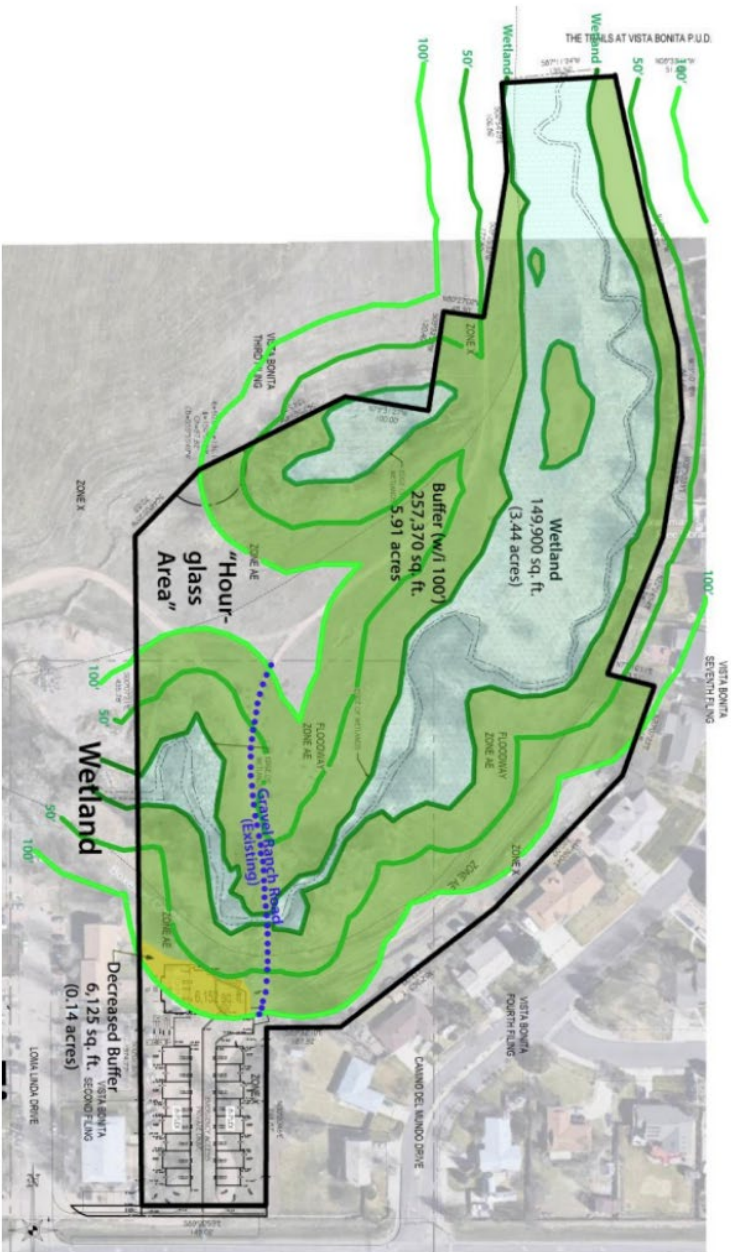


3 DUPLEX CONCEPT ELEVATIONS
SCALE: 1/16" = 1'-0"

SITE PLAN NOTES:
1. THE PAVED EMERGENCY ACCESS SHALL BE CAPABLE OF SUPPORTING 40 TONS.



BOXELDER TOWNHOMES PLANNED LAND DIVISION & PLANNED DEVELOPMENT, 24-LAND4348



PRELIMINARY PLAT REVIEW CRITERIA (PAGES 55-61)

1. Generally...the review and decision-making bodies shall consider the general approval criteria in §6.3.8.D, General Review Criteria, and if the proposed subdivision: 3
 - a. Complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this Code and that would affect or influence the layout of lots, blocks, and streets;
 - b. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources;
 - c. Provides evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable;

PRELIMINARY PLAT REVIEW CRITERIA CONT.

- d. Provides evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations;
 - e. As applicable, provides proposed phasing for development of the subdivision that is rational in terms of available infrastructure, capacity, and financing; and
 - f. The subdivision is consistent with the subdivision sketch plan, if applicable, unless detailed engineering studies require specific changes based on site conditions.
2. Land Divisions within Growth Management Areas (GMAs) or the LaPorte Plan Area In
- a. Complies with the applicable supplementary regulations of the GMA district, if any, or the LaPorte Area Plan or other adopted sub-area plan, as applicable.
 - b. Is compatible with existing and allowed land uses in the surrounding area;

PRELIMINARY PLAT REVIEW CRITERIA CONT.

- c. Can and will comply with all applicable requirements of this Code;
- d. The County Commissioners have approved a rezoning of the land to PD-planned development;
- e. The recommendations of referral agencies have been considered; and
- f. Approval of the proposed land division will not result in a substantial adverse impact on other property in the vicinity of the proposed land division.

REZONING REVIEW CRITERIA (PAGES 61-64)

6.6.1.D. Review Criteria.

1. Compatible with Surrounding Uses.

The proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property. Dimensional limitations of the proposed zoning district, when applied, should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property. The proposed change shall result in a logical and orderly development pattern in the neighborhood.

2. Community Need or Public Benefit.

The proposed change in zoning addresses a demonstrated community need or otherwise results in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to: affordable and senior housing; childcare facilities; medical facilities; transportation efficiencies; public recreational opportunities; infrastructure improvements; and preservation of lands of high conservation value.

REZONING REVIEW CRITERIA CONT.

3. Change of Circumstances.

The proposal change in zoning addresses or responds to a beneficial material change that has occurred to the immediate neighborhood or to the greater Larimer County community.

4. Adequate Infrastructure.

The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities.

5. Natural Environment.

The proposed change does not result in significant adverse impacts on the natural environment.

6. Additional Review Criteria in Growth Management Area (GMA) Districts.

GENERAL REVIEW CRITERIA (PAGES 64 – 65)

1. Generally.

- a. Unless otherwise specified in this Code, County review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the general review criteria stated below.
- b. The application may also be subject to additional review criteria specific to the type of application, as set forth in §6.4 through §6.7.
- c. If there is a conflict between the general review criteria in this section and the specific review criteria in §6.4 through §6.7, the specific review criteria in §6.4 through §6.7 control.

2. Compliance with this Code.

The proposed use and development shall comply with all applicable standards in this Code, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

GENERAL REVIEW CRITERIA

3. Compliance with Other Applicable Regulations.

The proposed use and development shall comply with all other county regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property.

4. Compliance with Prior Approvals.

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

5. Compliance with Zoning District Standards.

The proposed development shall comply with the standards of the zoning district in which it is located and any standards applicable to the particular use, as identified in §3.3, Use-Specific Standards.

GENERAL REVIEW CRITERIA

6. Compliance with Development Standards.

The proposed development shall comply with the applicable standards in Article 4.0, Development Standards.

7. Compliance with Other Code Provisions.

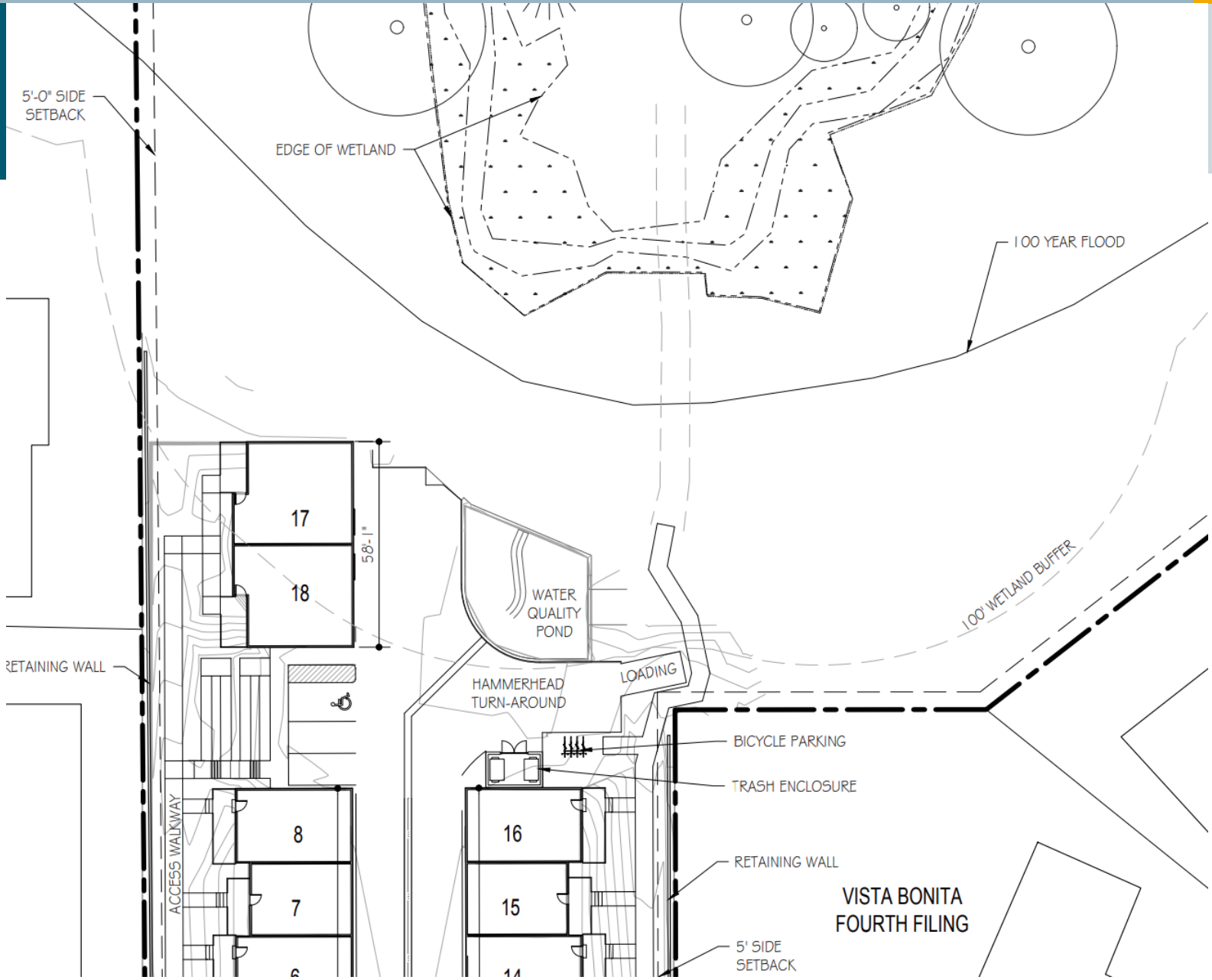
The proposed development shall comply with all other standards imposed on it by all other applicable provisions of this Code, including but not limited to standards relating to establishment and operation of uses, layout of the site, and general development characteristics.

LARIMER
COUNTY

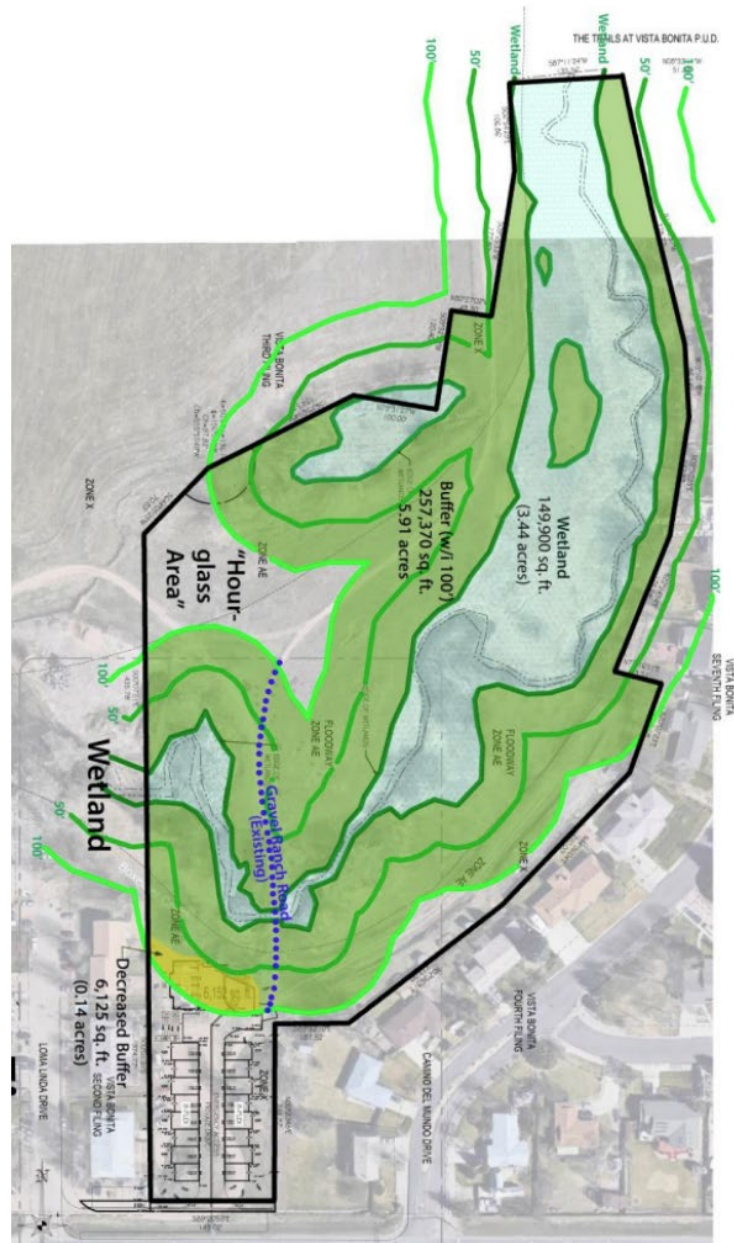
R = Allowed by Right SP = Site Plan S = Special Review AS = Administrative Special Review
AS* = Administrative Special Review Public Hearing Blank Cell = Prohibited use

[illegible]

BOXELDER TOWNHOMES PLANNED LAND DIVISION & PLANNED DEVELOPMENT, 24-LAND4348



LARIMER
COUNTY



BOXELDER TOWNHOMES PLANNED LAND DIVISION & PLANNED DEVELOPMENT, 24-LAND4348



DEVELOPMENT SERVICES TEAM FINDINGS (PAGE 66)

The Development Services Team finds that the Boxelder Townhomes Planned Land Division and Rezoning to Planned Development, File No. 23-LAND4348 complies with the Preliminary Plat Review Criteria found in Section 6.5.5.D, the Rezoning Review Criteria found in Section 6.6.1.D of the Land Use Code, and the General Review Criteria found in Section 6.3.8.D.

DEVELOPMENT SERVICES TEAM RECOMMENDATION (PAGES 66 – 68)

The Development Services Team recommends approval of the Boxelder Townhomes Planned Land Division and rezoning to Planned Development, File No. 23-LAND4348 subject to the 7 conditions found on pages 66 – 68 of the Planning Commission packet.

DEVELOPMENT SERVICES TEAM SUGGESTED MOTION (PAGE 68)

I move that the Planning Commission recommends that the Board of County Commissioners approve the Boxelder Townhomes Planned Development and Rezoning to Planned Development, File No. 23-ZONE4348, subject to the 7 conditions found in the Planning Commission packet with the following amendment:
Condition 7 shall be amended to include the reduced wetland buffer and waterway setback as described in the Credible and Competent Evidence Report for Wetland Buffer Reduction report.