

Date: Tuesday, April 27, 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 via video conference at 6:00 p.m., April 27, 2021 at which time the following business was transacted.

Board Members Present:

Staff Present:

Joseph Wise, Denise Jackson, Philip San Filippo, Carol Cochrane and Justin Smith

Lesli Ellis (Community Development Director), Don Threewitt (Planning Manager), Jenn Cram, Alyssa Martin, Doug May, Tracy Hicks (County Planners), and Frank Haug, (Senior Assistant County Attorney)

Minutes: Justin Smith moved and Carol Cochrane seconded the Motion to approve the March 23, 2021 Minutes of the Larimer County Board of Adjustment as presented. Board members Joseph Wise, Denise Jackson, Philip San Filippo, Carol Cochrane and Justin Smith voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Justin Smith moved and Philip San Filippo seconded the Motion to approve the following Findings and Resolutions: Murphy Setback Variances (#21-ZONE2898), Newton Setback Variance Extension (#20-ZONE2640), and Moulton-Randinitis Setback Variance (#21-ZONE2901). Board members Joseph Wise, Denise Jackson, Philip San Filippo, Carol Cochrane and Justin Smith voted in favor of the Motion.

Discussion: The Board Members and Staff discussed conditions of approval, specifically whether to include language regarding the expiration of approvals following one year from the date of approval. The Board concluded that no conditions or language should be included in the resolutions regarding the renewal of an approval following a one-year time period.

Consent Applications:

The following applications were approved by consent:

File No: #21-ZONE2929 (McCrann Setback Variance) Owners/Applicants: Brendan and Brittany McCrann

Request: The Application of Brendan and Brittany McCrann, requesting setback variances was presented to the Board. The Application requested setback variances to allow an existing outbuilding to be located 56.3' and an existing dwelling to be located 84.8' from the centerline of Highway 1 rather than the required minimum of 100' in the URI- Urban Residential 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 Philip San Filippo seconded the Motion to approve the Application with the following conditions:

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.

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 approval shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

The Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land surveyor that the existing outbuilding is located where shown on the Larimer County approved Plot Plan for this development.

A building permit for the garage must be obtained after approval.

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

File No: Owners: Applicant:

#21-ZONE2920 (Duncan #3 Setback Variance) James and Alicia Duncan
James Duncan

Request: The Application of James Duncan, requesting a variance was presented to the Board. The Application requested a setback variance to allow the construction of a deck to be located at 21' from the centerline of the waterway, rather than the required minimum of 100' in the O-Open 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 Philip San Filippo seconded the Motion to approve the Application with the following conditions:

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.

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 approval shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

The Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land surveyor that the proposed deck is located where shown on the Larimer County approved Plot Plan for this development.

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

File No: Owners/Applicant:

#21-ZONE2924 (Steele/Adjutant Setback Variance) Thomas Adjutant and Ariel Steele

Request: The Application of Thomas Adjutant and Ariel Steele, requesting a variance was presented to the Board. The Application requested a setback variance to bring an existing residence into compliance and construct an addition to an existing home while maintaining the existing front setback of 12 feet, rather than the required minimum of 25 feet in the RR2 - Rural Residential 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 Philip San Filippo seconded the Motion to approve the Application with the following conditions:

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.

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 approval shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

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.

No parking area shall be constructed in front of the residence and no garage with doors facing the roadway shall be constructed closer than 20-feet from the roadway's Ultimate ROW line.

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

File No: Owner: Applicant:

#21-ZONE2907 (Emery Family Venture Setback Variance) Emery Family Venture LLC

Gary Emery

Request: The Application of Gary Emery, requesting a variance was presented to the Board. The Application requested a setback variance to allow two existing historic cabins and additions to be located 7.4 feet from the centerline of a waterway, rather than the required minimum of 100 feet in the O-Open 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 Philip San Filippo seconded the Motion to approve the Application with the following conditions:

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.

The applicant will obtain the appropriate building permits for the existing additions and decks.

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 approval shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

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.

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

Adjournment: The meeting was adjourned at 6:35 p.m. (These proceedings were recorded by audio tape.)

LARIMER COUNTY BOARD OF ADJUSTMENT

By: _____
Chair

ATTEST:
