



**Date:** Tuesday, August 22, 2023  
**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\\_AHtbqaQ5ReS\\_L9Y\\_mw9qBA](https://larimer-org.zoom.us/webinar/register/WN_AHtbqaQ5ReS_L9Y_mw9qBA)

## BOARD OF ADJUSTMENT MINUTES

The regular meeting of the Larimer County Board of Adjustment was held in the County Board Hearing Room in the Larimer County Administrative Services building, Fort Collins, Colorado and virtually via Zoom at 6:00 p.m., August 22, 2023 at which time the following business was transacted.

Board Members Present: David Leighton, Carol Cochrane, Lauren Light and John Barnett

Staff Present: Rebecca Everette (Community Development Director), Samantha Lasher (Staff Liaison), Michael Whitley, Alyssa Martin and Laura Culleton (County Planners), and Andrew Lewis, (Assistant County Attorney)

Minutes: David Leighton moved and John Barnett seconded the Motion to approve the July 25, 2023 Minutes of the Larimer County Board of Adjustment as presented. Board members David Leighton, Carol Cochrane, Lauren Light and John Barnett voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: John Barnett moved and David Leighton seconded the Motion to approve the following Findings and Resolutions: Salazar Variance Setback (File #23-ZONE3434), Kerst Setback Variance (File #23-ZONE3436), Jennings & Zalles Setback Variance (File #23-ZONE3451), Zayo Setback Variance (File #23-ZONE3455) and Kessler Setback Variance (File #23-ZONE3459). Board members David Leighton, Carol Cochrane, Lauren Light and John Barnett voted in favor of the Motion.

### Consent Applications:

The following applications were approved by consent:

File No: #23-ZONE3470 (Bazaldua/Carr Setback Variance)  
Owners: Brian Carr and Heather Bazaldua  
Applicant: Brian Carr

Request: The Application of Brian Carr, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing patio and deck built without permits to remain located 4 feet from the north property line, rather than the required minimum of 15 feet, and 9 feet from the east property line, rather than the required minimum of 10 feet.

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. Applicants indicated they understood the approval of the variance

does not affect the rights of the easement holders. John Barnett moved and David Leighton 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 in one year unless the applicant takes affirmative action consistent with this approval.
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 David Leighton, Carol Cochrane, Lauren Light and John Barnett voted in favor of the Motion. The Application was approved with conditions.

File No: #23-ZONE3481 (Schupanitz Setback Variance)  
Owners: Cathy and Matthew Schupanitz  
Applicant: David Bangs

Request: The Application of David Bangs, requesting a variance was presented to the Board. The Application requested a setback variance to allow an addition to an existing home to be located 24 feet from the west property line and 31 feet from the south property line rather than the required minimum of 50 feet.

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. John Barnett moved and David Leighton 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 in one year unless the applicant takes affirmative action consistent with this approval.
4. The Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land surveyor that the existing structure is located where shown on the Larimer County approved Plot Plan for this development.
5. Staff recommends the applicant read and address all referral agency comments. Comments may be enforced by the respective referral agencies, including those not included as conditions of approval in the Findings and Resolution.

Board members David Leighton, Carol Cochrane, Lauren Light and John Barnett voted in favor of the Motion. The Application was approved with conditions.

## Discussion Application:

The following application was approved after discussion:

File No: #23-ZONE3466 (Couture Enterprises Setback Variance)  
Owner: Dustin Couture, Couture Enterprises, LLC  
Applicant: Kevin Packham, Rocky Mountain Group

Request: The Application of Kevin Packham and Rocky Mountain Group, requesting a variance was presented to the Board. The Application requested a setback variance to allow a new commercial building to be located 70 feet from the centerline of a major collector road (E Lincoln Avenue) rather than a minimum of 100 feet as required by Section 2.9.4.E.2 of the Land Use Code.

Action: David Leighton moved and Lauren Light 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 in one year unless the applicant takes affirmative action consistent with this approval.
4. The Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land surveyor that the proposed enclosed storage building is located where shown on the Larimer County approved Plot Plan for this development.

Board members David Leighton, Carol Cochrane, Lauren Light and John Barnett voted in favor of the Motion. The Application was approved with conditions.

Adjournment: The meeting was adjourned at 6:21 p.m.

(These proceedings were recorded by audio tape.)