



Date: Tuesday, March 24, 2026

Time: 6:00 PM

Location: Hybrid - In-Person: Hearing Room 1st Floor, 200 West Oak Street, Fort Collins or Virtual, Zoom.

BOARD OF ADJUSTMENT HEARING MINUTES

The Larimer County Board of Adjustment met in the Hearing Room as well as virtually by Zoom video at 6:00 p.m., on Tuesday, March 24, 2026, at which time the following business was transacted.

Board Members Present: Forrest Hancock, Brannon Hughes, Philip San Filippo, Lauren Light, and Lee Taylor. Alternate Board Member Shana Garcia was also in attendance but did not participate during voting.

Staff Present: Samantha Lasher, Jared Seay, Jacy McNulty, Laura Collier, Danielle Reimanis, Jenny Axmacher, and Christina Scrutchins (Community Development Planning Division); Frank Haug (Larimer County Attorney).

APPROVAL OF THE MINUTES

Board Member San Filippo moved, and Board Member Taylor seconded the motion to approve the February 24, 2026, minutes of the Larimer County Board of Adjustment, as revised.

Board Members Light, Taylor, San Filippo, Hughes, and Hancock voted in favor. The motion carried (5-0).

CONSENT ITEMS

Item No. 1 – Discher Setback Variance, File No. 26-ZONE3837

Item No. 2 – Harris Setback Variance, File No. 26-ZONE3840

Item No. 3 – Lot 1 Mountain Sunset Townhomes Height Variance, File No. 26-ZONE3838

Amendment: Item No. 1 - Discher Setback Variance, File No. 26-ZONE3837, was pulled from the consent agenda to be heard as a discussion item by Board Member San Filippo.

Amendment: Item No. 2 - Harris Setback Variance, File No. 26-ZONE3840, was pulled from the consent agenda to be heard as a discussion item by Board Member Hancock.

MOTION

Board Member Hughes moved, and Board 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 remaining item on the March 24, 2026, consent agenda subject to the conditions of approval set out in the staff report.

Board Members Light, Taylor, San Filippo, Hughes, and Hancock voted in favor. The motion carried (5-0).

DISCUSSION ITEMS

Item No. 1 – Discher Setback Variance, File No. 26-ZONE3837

[View Staff Presentation](#)

APPLICANTS PRESENTATION

[View Applicant Presentation](#)

BOARD OF ADJUSTMENT, STAFF, APPLICANTS COMMENTS

The Board questioned the history of variances on the property. Staff and the applicant clarified that a prior variance was granted for a deck around 2015, and an administrative variance for an addition was granted in 2021 but expired unacted upon due to COVID-19 material costs. The Board clarified that approving this current request would bring the existing nonconforming setback into compliance, thereby permitting the new addition. Additionally, the Board asked if the applicant was aware of the recommended environmental mitigation measures. The applicant agreed on the record to implement these measures, including a rain garden and native plants.

PUBLIC COMMENT

None.

APPLICANTS REBUTTAL

No rebuttal was given.

BOARD OF ADJUSTMENT DISCUSSION:

No discussion occurred.

BOARD OF ADJUSTMENT DELIBERATION

The Board briefly deliberated to ensure all past variance histories and code requirements were fully understood and addressed.

MOTION

Board Member Taylor moved, and Board Member San Filippo seconded the motion that the Board of Adjustment adopt the following Resolution: BE IT RESOLVED that the Larimer County Board of Adjustment approve the Discher Setback Variance, File No. 26-ZONE3837, subject to the conditions of approval outlined in the staff report.

Board Members Light, Taylor, San Filippo, Hughes, and Hancock voted in favor. The motion carried (5-0).

DISCUSSION ITEMS

Item No. 2 – Harris Setback Variance, File No. 26-ZONE3840

During the hearing, the Board briefly suspended the matter at 6:47 PM to contact the applicant and resumed the matter at 7:11 PM.

[View Staff Presentation](#)

APPLICANTS PRESENTATION

None.

BOARD OF ADJUSTMENT, STAFF, APPLICANTS COMMENTS

The Board questioned how the garage was built without a permit. The applicant stated they hired a contractor who did not pull the necessary permits. Staff explained that the area's zoning changed in 2020 to disallow residential uses, making the property a legal nonconforming use, and confirmed that future annexation into the City of Fort Collins would likely result in zoning that only requires a 5-foot setback.

PUBLIC COMMENT

Derek Camacho

Comments

The unpermitted structure is reportedly well-built, suggesting it may meet safety or quality expectations despite lacking permits. Proximity to a local fire department may mitigate certain safety concerns and emergency response risks. Granting the variance would allow the real estate transaction to proceed without further delay. The structure is unpermitted, indicating it was constructed outside established regulatory and inspection processes. Lack of formal approval means compliance with building codes and safety standards has not been verified. Granting a variance could set a precedent for approving after-the-fact construction without proper permitting.

APPLICANTS REBUTTAL

The applicant provided a brief rebuttal, pointing out that real estate photos provided a better perspective of the adequate space between his garage and the neighbor's existing structures.

BOARD OF ADJUSTMENT DISCUSSION:

No discussion occurred.

BOARD OF ADJUSTMENT DELIBERATION

The Board expressed disapproval of construction without permits but recognized the 2-foot deviation was minor. Acknowledging the hardship regarding the prospective buyer's family and the fact that Fort Collins Growth Management Area standards would eventually only require a 5-foot setback, the Board agreed to support the variance.

MOTION

Board Member Hancock moved, and Board Member San Filippo seconded the motion that the Board of Adjustment adopt the following Resolution: BE IT RESOLVED that the Larimer County Board of Adjustment approve the Harris Setback Variance, File No. 26-ZONE3840, subject to the conditions of approval outlined in the staff report.

Board Members Light, Taylor, San Filippo, Hughes, and Hancock voted in favor. The motion carried (5-0).

DISCUSSION ITEMS

Item No. 3 – David D Wickens Family Setback Variance, File No. 25-ZONE3777

[View Staff Presentation](#)

APPLICANTS PRESENTATION

None.

BOARD OF ADJUSTMENT, STAFF, APPLICANTS COMMENTS

The staff presentation noted that the Wickens variance involves a concurrent easement vacation process. Staff stated that if the Board of County Commissioners denies the easement vacation, the setback variance would not be approved. This is a major procedural contingency that must be included in the record. Additionally, the Board asked about the proposed concrete bridge, future roadway expansion, and leach field placement on the severe slope. The applicant's representative confirmed it is highly unlikely the road would ever be widened and that the slope continues downward. The Board also consulted with staff to add an explicit condition requiring an engineered septic system due to the extreme topography.

PUBLIC COMMENT

None.

APPLICANTS REBUTTAL

No rebuttal was given.

BOARD OF ADJUSTMENT DISCUSSION:

No discussion occurred.

BOARD OF ADJUSTMENT DELIBERATION

The Board expressed support for the project given the extreme topographical hardships common in Estes Park, noting that the roadway is far from the garage corner. They formally amended Condition No. 7 to require an engineered septic system due to the topography, slopes, and soil types.

MOTION

Board Member Hughes moved, and Board 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 David D Wickens Family Setback Variance, File No. 25-ZONE3777, subject to the conditions of approval outlined in the staff report, and as amended during the March 24th, 2026 Board of Adjustment meeting.

Board Members Light, Taylor, San Filippo, Hughes, and Hancock voted in favor. The motion carried (5-0).

REPORT FROM STAFF

Staff provided an update that County Commissioners will be attending upcoming hearings, including Commissioner Shaddock-McNally next month, Commissioner Kefalas in July, and Commissioner Stephens in October. She also reminded the Board that the annual board and commissions training will either occur at the end of the next hearing on April 28th, or in May.

ADJOURN

With there being no further business, the hearing adjourned at 7:34 p.m.

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



BOARD OF ADJUSTMENT HEARING

March 24, 2026

Discher Setback Variance, File No. 26-ZONE3837 Staff Presentation

LARIMER COUNTY PLANNING



Discher Setback Variance 26-ZONE3837

BOARD OF ADJUSTMENT: March 24, 2026



VICINITY MAP

978 Sutton Lane
Estes Park, CO 80517

Located approximately
300' south of the
intersection of Sutton Lane
and Mary's Lake Road



SITE INFO

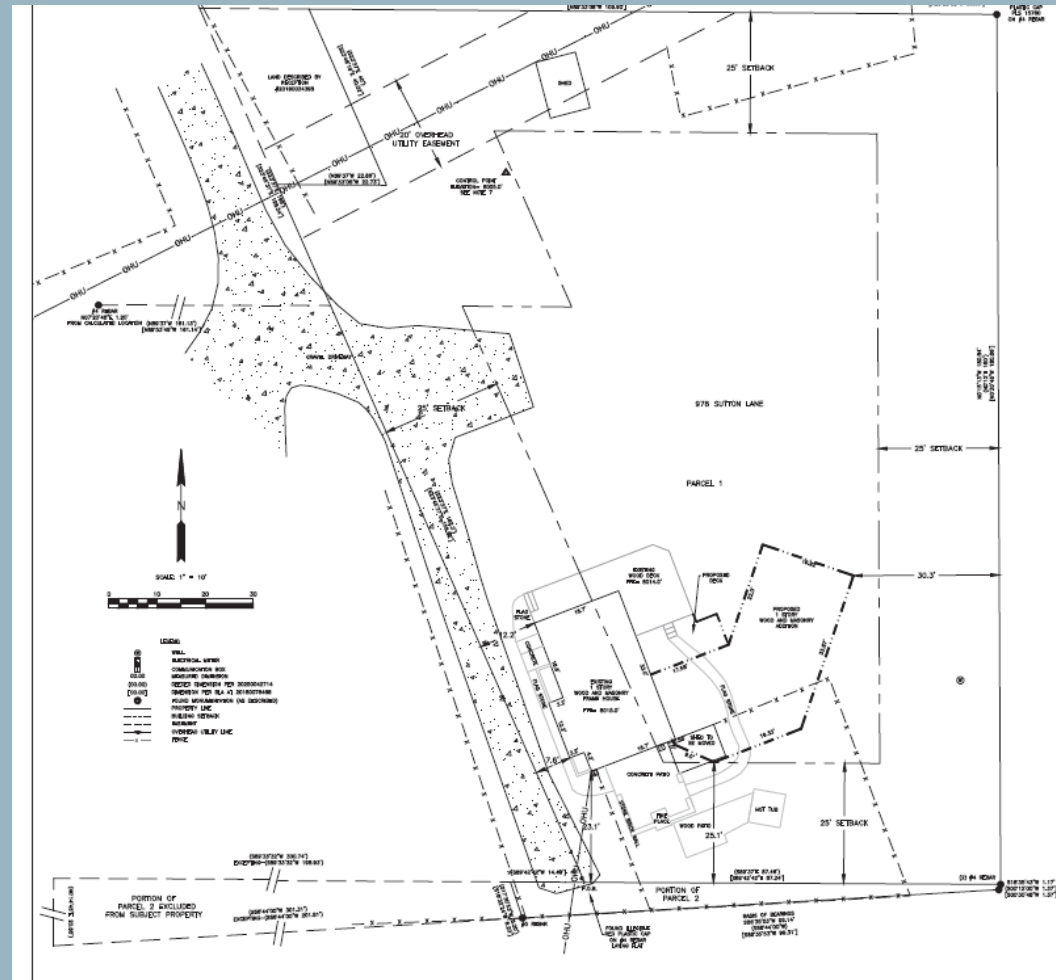
Applicant: Steve and Carolyn Discher

Property Owners: Discher Family Cabin LLC

Zoning District: Estes Valley Estate (EV E-1)

Lot Size: 0.71 acres

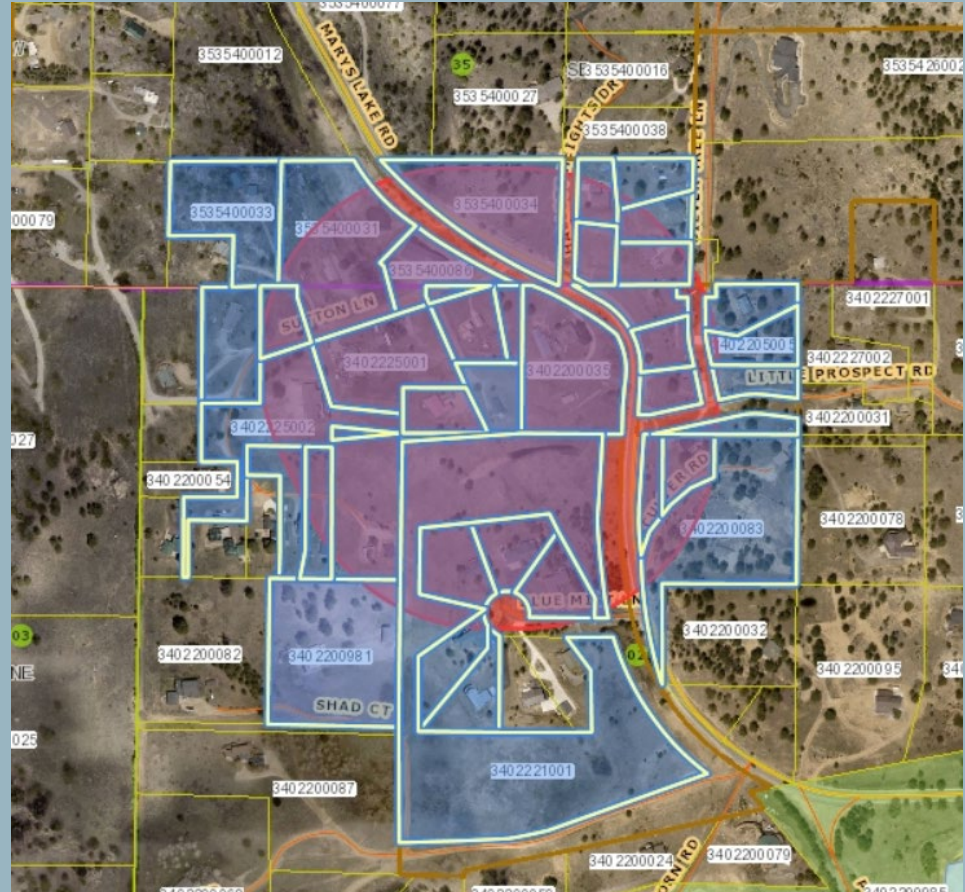
Request: A request for a front setback variance from 25-feet to 7.6-feet in the EV E-1 zone to recognize an existing nonconforming setback.



SITE PHOTOS



One question was asked through the Public Input website on how to find information for the application – no other comments were made



REFERRAL AGENCY COMMENTS

- Larimer County Code Compliance Division had no objections to the setback variance request.
- Larimer County Building Division did not provide comments.
- Larimer County Engineering Department had no objections to the setback variance request.
- Larimer County Department of Health and Environment had no objections to the setback variance request.
- Larimer County Environment Planning had no objections to the setback variance request but provided a list of mitigation measures to offset present and future impacts. An email from the planner clarified these measures were recommendations.

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:

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 Discher Setback Variance, File No. 26-ZONE3837**, 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. This variance is only for the proposed building as submitted with this variance application. All future buildings or additions must go through the proper Larimer County review and permit 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 addition is located where shown on the Larimer County approved Plot Plan for this development.



BOARD OF ADJUSTMENT HEARING

March 24, 2026

Discher Setback Variance, File No. 26-ZONE3837 Application Presentation

Discher Variance

26-ZONE3837

The Dischers



Cabin History

- Built in 1920
- Purchased in 2013
- Spent a year renovating inside and out





First Visit
2013



Renovation 2013-2014



Kitchen Before and After



Before and After Exterior
(The addition you see here done under previous variance)

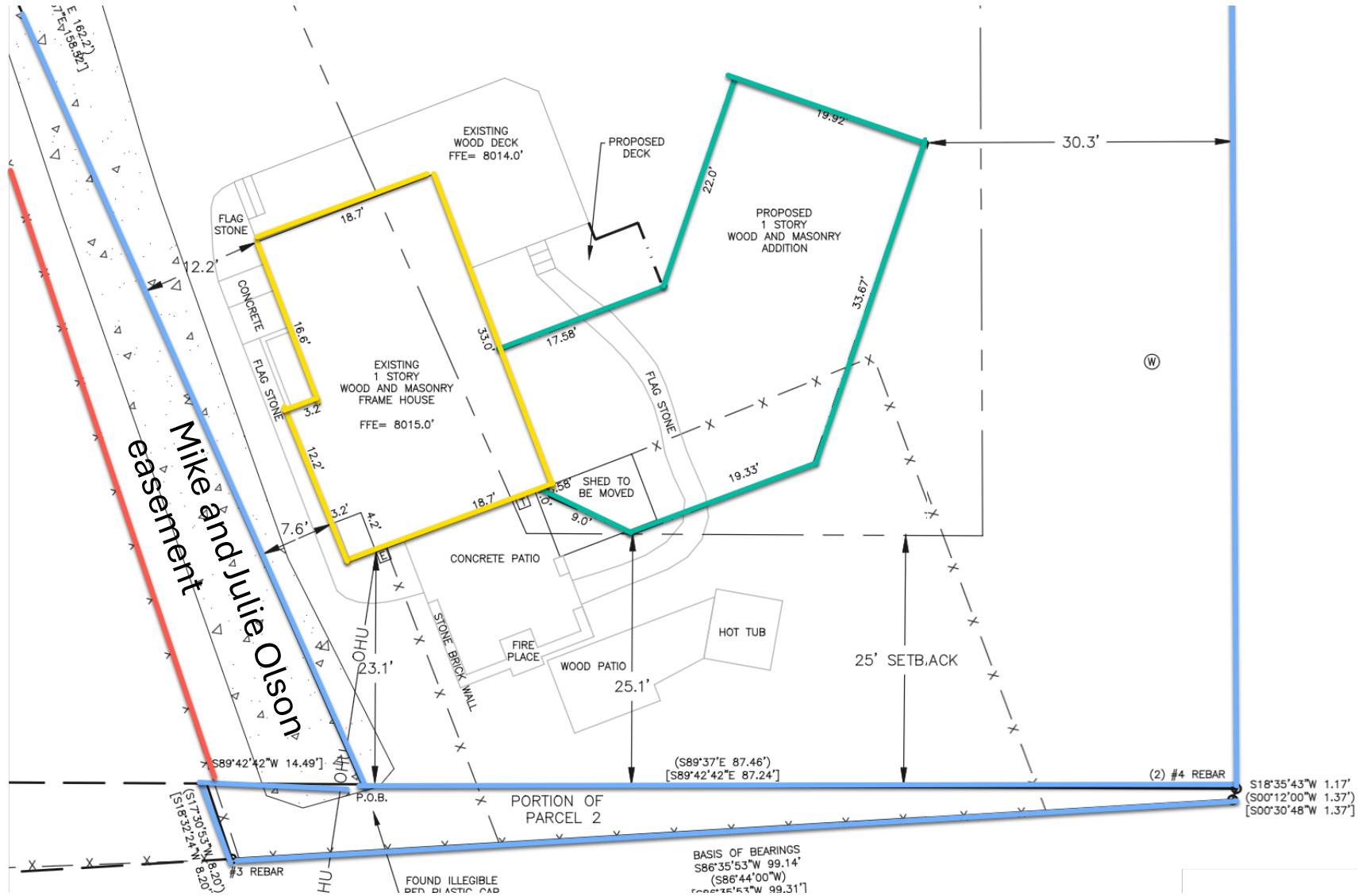
Proposed Addition

- Living room
- Utility room
- Bathroom
- Bedroom



- Serve as a full time residence for Carolyn and I in retirement and as a legacy gathering place for our children and future grandchildren

Location on lot



Thank You Very Much!



BOARD OF ADJUSTMENT HEARING

March 24, 2026

Harris Setback Variance, File No. 26-ZONE3840 Staff Presentation

LARIMER COUNTY PLANNING



Harris Setback Variance 26-ZONE3840

BOARD OF ADJUSTMENT: March 24, 2026



AERIAL IMAGERY (2023)



SITE INFO

Applicant/Owner: Matthew Harris

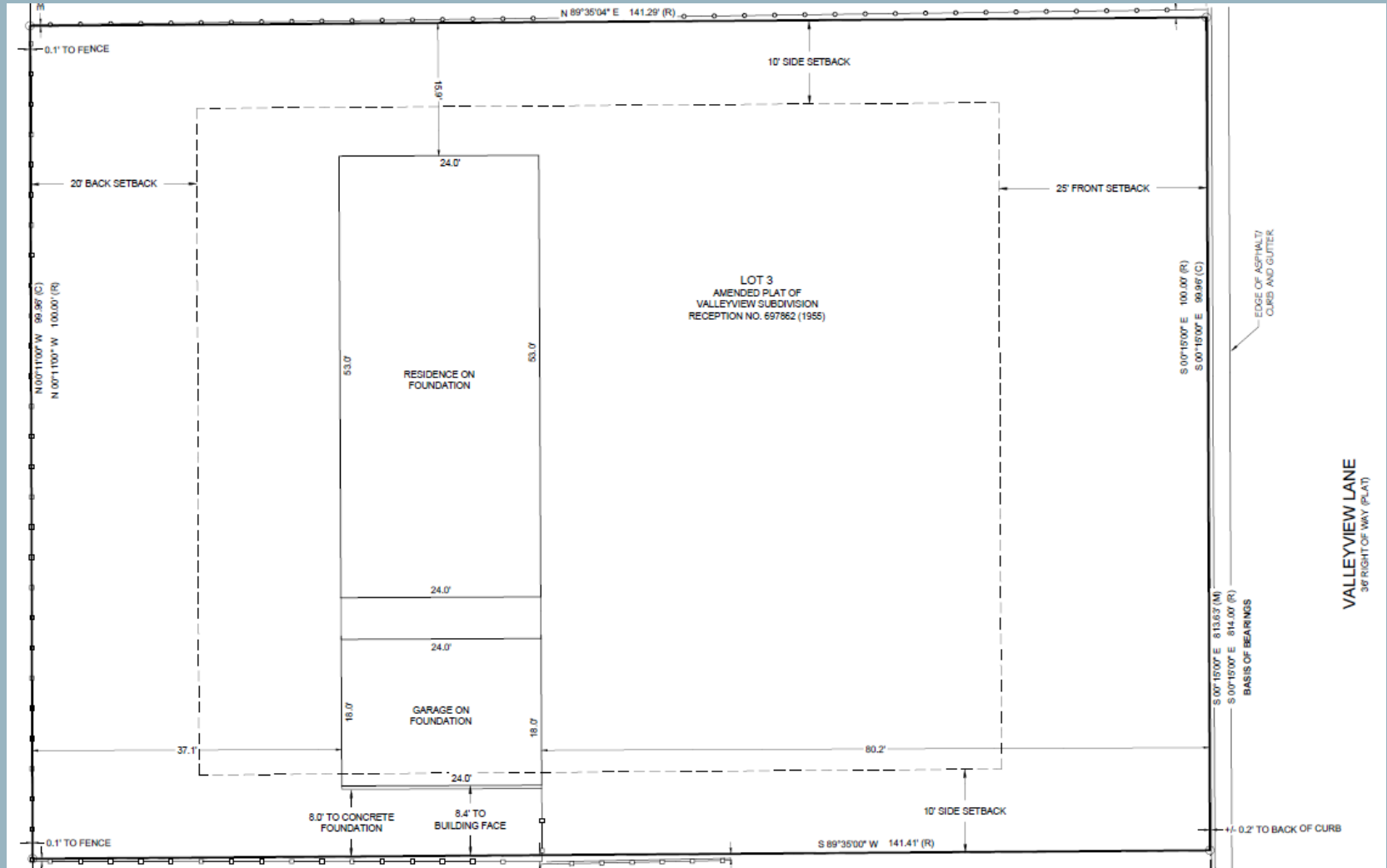
Zoning District: Commercial Corridor (CC)

Lot Size: 0.32 acres (14,135 sq. ft.)

Request: Setback variance for an existing detached garage to be located 8 feet from the south side property line where 10 feet is required.



SITE PLAN



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:

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 Harris Setback Variance, File No. 26-ZONE3840**, 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. This variance is only for the buildings or structures as submitted with this variance application. All future buildings or additions must go through the proper County review and permit 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 existing and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.
5. Following approval of this variance, the applicant shall complete all required as-built building permits and inspections for the existing detached garage.



BOARD OF ADJUSTMENT HEARING

March 24, 2026

David D Wickens
Family Setback Variance,
File No. 25-ZONE3777
Staff Presentation

LARIMER COUNTY PLANNING DIVISION



25-ZONE3777 - David D Wickens Setback Variance

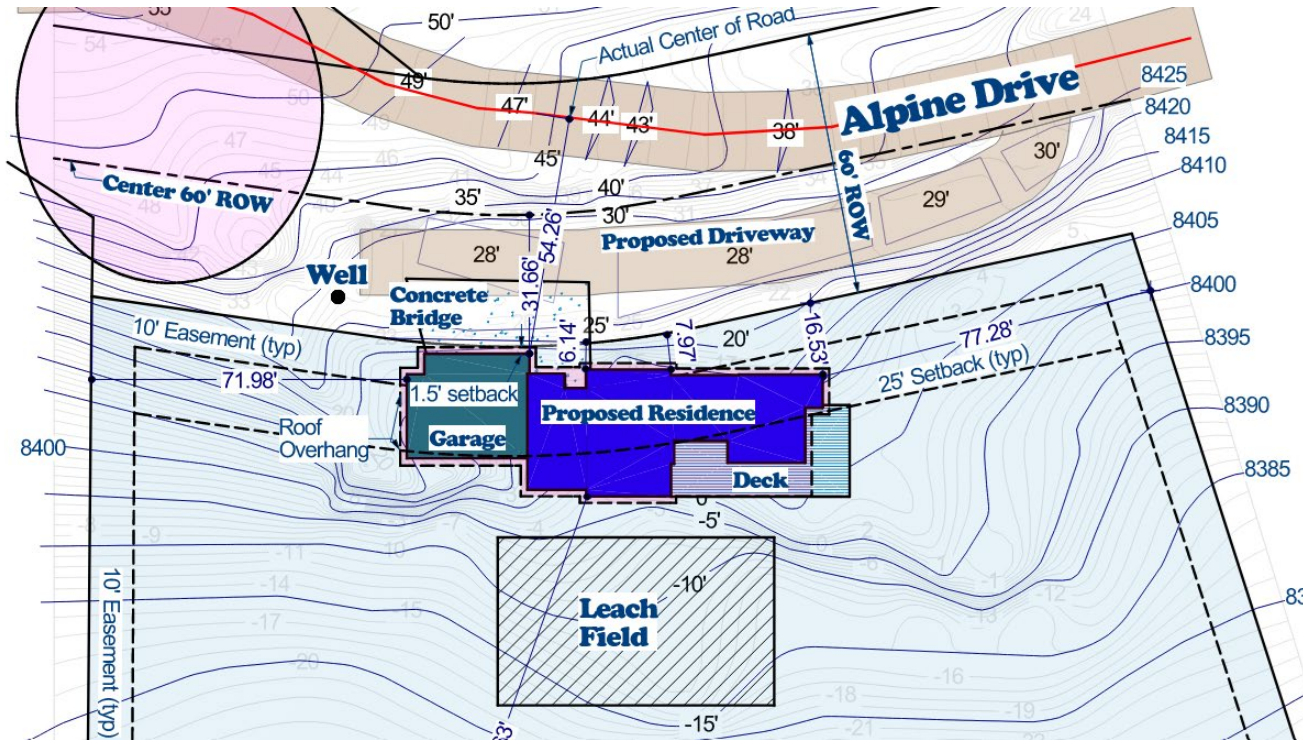


Vicinity Map

- **Request:**
Request to allow a reduced 1.5-foot front setback where a 25 foot setback is required.
- 494 Alpine Drive, Estes Park, CO 80517;
- Lot 77, Meadowdale Hills 2nd subdivision
- 1.25 Acres



Site Plan



Site Plan Excerpt for the Parcel

Source: Site Plan, also observed as Attachment C

Photos



Public Input / Neighborhood Notice

- **Neighbor Notification:**
- Neighbors within 500-ft of the affected parcel were notified.
- Staff did not receive comments from neighbors who were referred.

Referral Comments

The following referral agencies have reviewed the proposal and stated the following:

- **The Larimer County Department of Health and Environment** did not object to the proposed variance but did have hesitation for the viability of a septic system at the site without an engineered system in place. They required the applicants have an engineered septic system if it will be placed on an area of a slope 30% or more. The applicants updated their site plan to include the prospective location of the septic tank. Condition No. 6 was added to this application to ensure an engineered system would be required when appropriate.
- **The Larimer County Code Compliance Division** stated that they have no objections to this request.
- **Estes Park Sanitation District** stated that they have no objections to this request as it is outside of their service area.
- **The Larimer County Building Division** stated they have no objections to this request because it exceeds minimum fire separation requirements for this structure type.
- **The Larimer County Engineering Department** initially requested revisions to the site plan to address drainage and erosion concerns identified in their review. The applicant then modified their plans and provided an erosion and topographic plan supplement to meet Engineering Department requests. Engineering staff have no objections to this request following the revisions and assuming the applicants follow the approved plans their office reviewed.
- **Estes Valley Fire** noted that the general area did not have great access for fire and emergency response vehicles and the closer to the roadway the home was, the better they were able to serve the property. The future home will require a sprinkler system. They did not have objections to the application.

There are no pending issues or concerns with the proposed request per current referral comments and this request has met referral requirements and standards after revisions were finalized. Referral comments are attached in their entirety as Attachment D.

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 paragraphs **4**, **5**, and **6** have each been met:

- 1.** Strict compliance with the standard sought to be varied will cause either:
 - a. A peculiar and exceptional practical difficulty;
 - b. An exceptional and undue hardship on the owner by reason of 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.
- 2.** The requested variances will promote or maintain the general purpose of the standard for which the variances are sought and will be equal to or better than the standard.
- 3.** The requested variances 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 variances 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 variances will not substantially impair the intent and purpose of the Code and Comprehensive Plan;
- 6.** The recommendations of referral agencies have been considered.

Conditions of Approval & Recommendation

The Development Services Team recommends approval of the David D Wickens Family Setback, File No. 25-ZONE3777, 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. This variance is only for the buildings or structures as submitted with this variance application. All future buildings, additions, and improvements must meet County setback requirements or must go through the proper County review and permit process prior to construction.
3. The approval of this variance 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 existing and proposed buildings are located where shown on the Larimer County approved Plot Plan for this development.
5. The owners of this lot will comply with all required Community Development and Engineering Department requirements to obtain all needed right-of way, as-built, and building for the contemplated features within this variance request, File No. 25-ZONE3777.
6. The proposed features within this variance request will require a fire sprinkler system per comments from Estes Valley Fire Protection on this application.
7. The proposed residence will require an approved, engineered septic system. The topography/slopes and soil types of the property may pose significant challenges for installing a new or replacement septic system.
8. Approval of this setback variance is contingent on the approved of the related Easement Vacation application, File No. 26-LAND4541. If 26-LAND4541 is denied by County Commissioners, the setback variance File No. 25-ZONE3777, will be considered void.

Suggested Motion



MOTION:

I move that the Board of Adjustment approve the David D Wickens Setback Variance, File No. 25-ZONE3777, subject to the conditions of approval as recommended by staff and alterations approved by the board.