

**MINUTES OF THE LARIMER COUNTY BOARD OF ADJUSTMENT
(May 28, 2019)**

The regular meeting of the Larimer County Board of Adjustment was held in the County Board Hearing Room in the Larimer County Courthouse Offices, Fort Collins, Colorado at 6:00 p.m., May 28, 2019 at which time the following business was transacted.

Board Members Present: Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider

Staff Present: Rebecca Westerfield, Jenn Cram and Kathy Eastley, County Planners, Carol Kuhn, Principal Planner, and William G. Ressue, Deputy County Attorney

Minutes: Jeffrey Schneider moved and Carol Cochrane seconded the Motion to approve the April 23, 2019 Minutes of the Larimer County Board of Adjustment as presented. Board members Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Lee Taylor moved and seconded the Motion to approve the following Findings and Resolutions: Larimer County Forks Park Setback Variance #2 (#19-ZONE2500), Hain Setback Variance (#19-ZONE2502), and Applegate Setback Variance (#19-ZONE2510). Board members Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion.

Consent Applications

The following applications were approved by consent:

File No: #18-ZONE2374 (Harrison Setback Variance Extension)
Owner/Applicant: Craig Harrison

Request: The Application of Craig Harrison, requesting an extension of time for compliance with the original Harrison Setback Variance 18-ZONE2374 was presented to the Board. The variance allowed a proposed detached garage to be located 40 feet from the center of the right-of-way of S. County Road 3F, and an existing home to be located 40 feet from the center of the right-of-way of S. County Road 3F rather than the required minimum 70-foot right-of-way centerline setback requirement per Section 4.9.1.B of the Land Use Code for a Minor Collector.

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. Lee Taylor moved and Jeffrey Schneider 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.

** re-record to add signatures on page 7*

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

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 Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion. The Application was approved with conditions.

File No: #19-ZONE2532 (Aydelotte Setback Variance)
Owners/Applicants: Debra and John Aydelotte

Request: The Application of Debra and John Aydelotte, requesting four setback variances to allow: i) an existing residence to be located 29 feet from the centerline of an unnamed waterway, rather than the required minimum of 100 feet is required; ii) a bedroom addition to be located 37 feet from the centerline of an unnamed waterway, rather than the required minimum of 100 feet; iii) a deck replacement to be located 92 feet from the centerline of West Creek, rather than the required minimum of 100 feet; and iv) an existing garage to be located 48 feet from the centerline of West Creek and 24 feet from an unnamed waterway, rather than the required minimum of 100 feet in the O-Open zone.

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. Lee Taylor moved and Jeffrey Schneider 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 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. 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 Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion. The Application was approved with conditions.

File No: #19-ZONE2521 (McDonald Setback Variance)
Owners/Applicants: Mark and Marci McDonald

Request: The Application of Mark and Marci McDonald, requesting a variance was presented to the Board. The Application requested a setback variance to allow construction of two additions with covered porches to an existing residence with to be located 57 feet from the right-of-way centerline rather than the required minimum of 100 feet in the FA-Farming zone.

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. Lee Taylor moved and Jeffrey Schneider 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 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. 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 Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion. The Application was approved with conditions.

File No: #19-ZONE2505 (Vanderheiden Setback Variance)
Owners/Applicants: Dennis Vanderheiden

Request: The Application of Dennis Vanderheiden, requesting a variance was presented to the Board. The Application requested a setback variance to allow a walk-in cooler adjacent to a mobile home to be located 15.6 feet from the property line, rather than the required minimum of 25 feet in the FA-Farming zone.

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. Lee Taylor moved and Jeffrey Schneider 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 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. 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 Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion. The Application was approved with conditions.

File No: #19-ZONE2531 (Baggett Setback Variance)
Owners/Applicants: Larry and Tamie Baggett

Request: The Application of Larry and Tamie Baggett, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing home to be located 2 feet 2 inches from the east property line rather than the required minimum of 5 feet in the FA1-Farming zone.

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. Lee Taylor moved and Jeffrey Schneider 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 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. 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 Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion. The Application was approved with conditions.

Discussion Applications

The following applications were approved after discussion:

File No: #19-ZONE2501 (Boy Setback Variance)
Owners/Applicants: Michael and Krystal Boy

Request: The Application of Michael and Krystal Boy, requesting four variances was presented to the Board. The Application requested setback variances to allow: i) a proposed garage to be located 4 feet from the Crystal Lane property line rather than the required minimum of 20 feet; ii) an existing shed to be located 2.2 feet from the rear property line rather than the required minimum of 25 feet; iii) another existing shed to be located 12 feet from the rear property line rather than the required minimum of 25 feet and 0.5 feet from the property line rather than the required minimum of 7 feet; and iv) the existing home to be located 20.5 feet from the rear property line rather than the required minimum of 25 feet in the R-Residential zone district.

Action: The request was removed from the consent agenda for a full proceeding. Lee Taylor moved and Carol Cochrane seconded the Motion to approve the following:

As to the setback variance for the proposed detached garage to be located 4 feet from the Crystal Lane property line, the request is approved 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. 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 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 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.
5. Access off Crystal Lane will be prohibited.
6. No improvements will be permitted that results in widening the existing access off of Ranch Acres Drive.

As to the setback variance for the existing shed to be located 2.2 feet from the rear property line, the request is approved 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. 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 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. The applicant must obtain an Easement Vacation to vacate the 5-foot utility easement on the western property line. However, if the shed is relocated or deconstructed outside of the utility easement, such vacation shall not be required.

As to the setback variance for a second existing shed to be located 12 feet from the rear property line and 0.5 feet from the property line, and for the existing home to be located 20.5 feet from the rear property line, the request is approved 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. 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.

Board members Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion. The Application was approved with conditions.

File No: #19-ZONE2508 (Kelly Setback Variance)
Owner/Applicant: Scott Kelly

Request: The Application of Scott Kelly, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing garage to be located 10.5 feet from the rear property line rather than the required minimum of 25 feet in the R-Residential zone.


Action: The request was removed from the consent agenda for a full proceeding. Jeffrey Schneider moved and Lee Taylor 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 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. 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. Applicant shall obtain an as-built permit for the existing garage.
6. Applicant shall obtain a vacation of the utility easement that the existing garage encroaches onto, or in the alternative, modify the garage to eliminate the encroachment.

Board members Lee Taylor, Joseph Wise, Carol Cochrane, and Jeffrey Schneider voted in favor of the Motion. The Application was approved with conditions.

(These proceedings were recorded by audio tape.)

LARIMER COUNTY BOARD OF ADJUSTMENT

By: 
Chair

ATTEST:

