

MINUTES OF THE LARIMER COUNTY BOARD OF ADJUSTMENT

(January 22, 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., January 29, 2019 at which time the following business was transacted.

Board Members Present: Lee Taylor, Carol Cochrane, Joseph Wise, and Christine Pardee

Staff Present: Rebecca Westerfield, County Planner, and Jeannine S. Haag, County Attorney

Lee Taylor moved and Carol Cochrane seconded the Motion to approve the Resolution Ratifying and Approving Findings and Resolutions for KHBM Partners Setback Variance (#18-ZONE2417) and Baker Setback Variance (#18-ZONE2432). The question was called and Lee Taylor, Carol Cochrane, Joseph Wise, and Christine Pardee voted in favor of the Motion. The motion passed.

Minutes: Lee Taylor moved and Christine Pardee seconded the Motion to approve the December 18, 2019 Minutes of the Larimer County Board of Adjustment as presented. Board members Lee Taylor, Carol Cochrane, Joseph Wise, and Christine Pardee voted in favor of the Motion. The Minutes were unanimously approved.

Consent Applications:

The following applications were approved by consent:

File No: #17-ZONE2266 (Dashnaw Setback Variance)

Owner/Applicant: Keith Dashnaw

Request: The Application of Keith Dashnaw, requesting a variance was presented to the Board. The Application requested an extension of time for compliance with the conditions of approval of the original Dashnaw Setback Variance 17-ZONE2266, upon the above-described property was presented to the Board. The variance allowed a greenhouse to be located 18'4" from the centerline of a creek 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 Carol Cochrane 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 applicant must hire an Engineer to demonstrate that the location and lowest opening of the new greenhouse is set above the 100-year flood limits to minimize potential injury and structural damage in a major flood event.

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

File No: #18-ZONE2468 (Horse & Dragon Setback Variance)

Owners/Applicants: Carol Cochran and Tim Cochran

Request: The Application of Carol Cochran and Tim Cochran, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed grain silo for Horse & Dragon to be located 5 feet from the side property line rather than the required minimum of 10 feet in the I-Industrial 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. Lee Taylor moved and Carol Cochran 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. 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.
3. 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.
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, Carol Cochran, Joseph Wise and Christine Pardee voted in favor of the Motion. The Application was approved with conditions.

File No: #18-ZONE2471 (Miller Setback Variance)

Owner/Applicant: Jason Miller

Request: The Application of Jason Miller, requesting a variance was presented to the Board. The Application requested a setback variance to allow construction of a new residence with an attached garage to be located 57 feet from the centerline of the right-of-way rather than the required minimum of 100 feet 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. Lee Taylor moved and Carol Cochrane 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. 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.
3. 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.
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, Carol Cochrane, Joseph Wise and Christine Pardee voted in favor of the Motion. The Application was approved with conditions.

File No: #18-ZONE2470 (Minchow Setback Variance)

Owner/Applicant: Mark and Ingrid Minchow

Request: The Application of Mark and Ingrid Minchow, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing residence to be located 11 feet from the street/road and an addition to the residence to be located 17 feet from the street/road rather than the required minimum of 25 feet 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. Lee Taylor moved and Carol Cochrane 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. 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.
3. 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.
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, Carol Cochrane, Joseph Wise and Christine Pardee voted in favor of the Motion. The Application was approved with conditions.

Discussion Applications:

The following application was approved after discussion:

File No: #18-ZONE2473 (Tool Setback Variance)

Owners/Applicants: Kevin Tool and Audrey Tool

Request: The Application of Kevin Tool and Audrey Tool, requesting a variance was presented to the Board. The Application requested a setback variance to allow an as-built barn to be located 84.6 feet from the right-of-way center line of East County Road 50 rather than the required minimum of 100 feet in the FA-1 Farming zoning district.

Action: The request was removed from the consent agenda for a full proceeding. Lee Taylor moved and Christine Pardee 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. 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.
3. 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.

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, Carol Cochrane, Joseph Wise and Christine Pardee voted in favor of the Motion. The Application was approved with conditions.

Adjournment: The meeting was adjourned at 6:45 p.m.

(These proceedings were recorded by audio tape.)

LARIMER COUNTY BOARD OF ADJUSTMENT

By: _____

Chair

ATTEST:
