

**MINUTES OF THE LARIMER COUNTY BOARD OF ADJUSTMENT
(July 23, 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., July 23, 2019 at which time the following business was transacted.

Board Members Present: Justin Smith, Carol Cochrane, Joseph Wise, Denise Jackson, Reba Tipton

Staff Present: Kathy Eastley, County Planner, and William G. Ressue, Deputy County Attorney

Minutes: Carol Cochrane moved and Justin Smith seconded the Motion to approve the June 25, 2019 Minutes of the Larimer County Board of Adjustment as presented. Board members Justin Smith, Carol Cochrane, Joseph Wise, Denise Jackson, Reba Tipton voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Carol Cochrane moved and Reba Tipton seconded the Motion to approve the following Findings and Resolution: Frick Setback Variance (#19-ZONE2539). Board members Justin Smith, Carol Cochrane, Joseph Wise, Denise Jackson, Reba Tipton voted in favor of the Motion.

Consent Applications:

The following applications were approved by consent:

File No: #19-ZONE2547 (Stephen Setback Variance)
Owners/Applicants: John and Sara Stephen

Request: The Application of John and Sara Stephen, requesting a variance was presented to the Board. The Application requested a setback variance to allow a single-family residence to be constructed 5 feet from the street setback rather than the required minimum of 25 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. Carol Cochrane moved and Justin Smith seconded the Motion to approve the Application with the following conditions:

1. Access is proposed from W. County Road 50C, however if access were to be proposed from 2nd Street any garage proposed to be constructed must be located a minimum of 20-feet from the lot line.
2. 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.

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. 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.

Board members Justin Smith, Carol Cochrane, Joe Wise, Denise Jackson and Reba Tipton voted in favor of the Motion. The Application was approved with conditions.

File No: 19-ZONE2546 (Moyer Setback Variance)
Owner/Applicant: Neal Moyer

Request: The Application of Neal Moyer, requesting a variance was presented to the Board. The Application requested a setback variance to allow an existing deck to remain located 18 feet, 7 inches from the front property line (street/road), rather than the required minimum of 25 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. Carol Cochrane moved and Justin Smith 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 Justin Smith, Carol Cochrane, Joe Wise, Denise Jackson and Reba Tipton voted in favor of the Motion. The Application was approved with conditions.

Discussion Applications:

The following applications were approved after discussion:

File No: #19-ZONE2542 (Oline Setback Variance)
Owners/Applicants: David and Glenda Oline

Request: The Application of David and Glenda Oline, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed cabin to be located 20 feet from the south property line rather than the required minimum of 50 feet in the E-Estate zone.

Action: The request was removed from the consent agenda for a full proceeding. Carol Cochrane moved and Justin Smith 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. 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 development.

Board members Justin Smith, Carol Cochrane, Joe Wise, Denise Jackson and Reba Tipton voted in favor of the Motion. The Application was approved with conditions.

File No: #19-ZONE2548 (Sober Setback Variance)
Owner: Jerome Sober
Applicant: Joseph Kish

Request: The Application of Joseph Kish, requesting a variance was presented to the Board. The Application requested a setback variance to allow a proposed garage addition to be located 7.5 feet from the front property line (street/road), rather than the required minimum of 20 feet in the R-Residential zone.

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Action: The request was removed from the consent agenda for a full proceeding. Justin Smith moved and Carol Cochrane seconded the Motion to approve the Application with the following conditions:

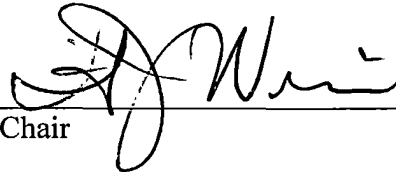
1. Failure to comply with any conditions of the variance approval may result in reconsideration of the use and possible revocation of the approval by the Board of Adjustment.
2. All future additions or buildings that would be within setbacks as defined in the Land Use Code must go through the proper County review and planning process prior to construction.
3. This approval shall automatically expire 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 receiving a building permit, the property owner will sign a Use Affidavit that notes that they will not park cars in front of the garage addition such that they would extend into the platted right-of-way of Valley Court.
5. 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 Justin Smith, Carol Cochrane, Joe Wise, Denise Jackson and Reba Tipton voted in favor of the Motion. The Application was approved with conditions.

Adjournment: The meeting was adjourned at 6:25 p.m.

(These proceedings were recorded by audio tape.)

LARIMER COUNTY BOARD OF ADJUSTMENT

By: 
Chair

ATTEST: