

MINUTES OF THE LARIMER COUNTY BOARD OF ADJUSTMENT

(September 24, 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., September 24, 2019 at which time the following business was transacted.

Board Members Present: Denise Jackson, Lee Taylor, Joseph Wise, Carol Cochrane, and Justin Smith

Staff Present: Jenn Cram, Michael Whitley, and Kathy Eastley, County Planners, and William G. Ressue, Deputy County Attorney

Minutes: Carol Cochrane moved and Justin Smith seconded the Motion to approve the August 27, 2019 Minutes of the Larimer County Board of Adjustment as presented. Board members Denise Jackson, Lee Taylor, Joseph Wise, Carol Cochrane, and Justin Smith voted in favor of the Motion. The Minutes were unanimously approved.

Findings and Resolutions: Lee Taylor moved and Carol Cochrane seconded the Motion to approve the following Findings and Resolution: Connelly Setback Variance (#19-ZONE2565). Board members Denise Jackson, Lee Taylor, Joseph Wise, Carol Cochrane, and Justin Smith voted in favor of the Motion.

Election of Chair: Carol Cochrane moved and Justin Smith seconded the Motion to re-appoint Joseph Wise as Chair for the Board of Adjustment. Board members Denise Jackson, Lee Taylor, Joseph Wise, Carol Cochrane, and Justin Smith voted in favor of the Motion.

Consent Applications:

The following applications were approved by consent:

File No: #19-ZONE2578 (Haines Setback Variance)
Owner/Applicant: Mark Haines

Request: The Application of Mark Haines, requesting a variance was presented to the Board. The Application requested a setback variance to allow a new residence to be located 5 feet from Green Mountain Drive rather than the required minimum of 45 feet from the right-of-way in the E-Estate 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 Lee Taylor seconded the Motion to approve the Application with the following conditions:

1. Access is proposed from Mount Massive Drive, however if access were to be proposed from Green Mountain Drive any garage proposed to be constructed must be located a minimum of 20-feet from right-of-way.

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 Denise Jackson, Lee Taylor, Joseph Wise, Carol Cochrane, and Justin Smith voted in favor of the Motion. The Application was approved with conditions.

File No: #19-ZONE2528
(Natural Resources Carter Lake Administrative Office Setback Variance)

Owner: United States Department of Interior - Bureau of Reclamation

Applicant: Brian O'Donnell - Larimer County Engineering

Request: The Application of Brian O'Donnell with Larimer County Engineering, requesting a variance was presented to the Board. The Application requested a setback variance to allow a 45-foot roadway setback variance, rather than the required minimum of 70 feet from the centerline of County Road 31, to allow for an expansion of an existing 6,900-square foot Park and Open Lands Administrative Office 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 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.

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

Discussion Applications:

The following application was approved after discussion:

File No: #19-ZONE2564 (Corey Setback Variance)
Owners/Applicants: Craig and Debra Corey

Request: The Application of Craig and Debra Corey, requesting a variance was presented to the Board. The Application requested a setback variance to allow a garage to be constructed 7 feet from the property line rather than the required minimum of 20 feet in the R-Residential zone.

Action: The request was removed from the consent agenda for a full proceeding. Lee Taylor moved and Denise Jackson 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. Vehicles cannot be parked or stored between the garage and Sherell Drive.
5. The access for the property is Rangeview Drive. Sherell Drive shall not be used to access the property after issuance of certificate of completion following construction of garage.
6. 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, Justin Smith, and Denise Jackson voted in favor of the Motion. Member Carol Cochrane voted against the Resolution. The Application was approved with conditions.

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Adjournment: The meeting was adjourned at 7:15 p.m.

(These proceedings were recorded by audio tape.)

LARIMER COUNTY BOARD OF ADJUSTMENT

By:  _____
Chair

ATTEST:

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