



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

February 16, 2021

TO: Morgan County Board of Adjustments
DATE: Tuesday, February 16, 2021
TIME: 5:30 P.M.
PLACE: Assembly Room – Remote attendance via ZOOM

The County is abiding by the Social Distancing Requirements in Public Health Order 20-28 for this meeting. Due to limited space in the assembly room, remote attendance is encouraged. If you have any questions regarding attending the meeting, please contact Pam Cherry at 970-542-3526.

To participate remotely you must connect with the following Zoom Access Information:
<https://us02web.zoom.us/j/82075605605>

Or iPhone one-tap :

US: +13462487799,,82075605605# or +16699009128,,82075605605#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 820 7560 5605

International numbers available: <https://us02web.zoom.us/j/82075605605>

NOTICE

Roll Call

Minutes of January 19, 2021

Approve the Agenda

AGENDA

NEW BUSINESS:

- 1. Approval of Resolution:** Western Sugar Cooperative – 2021 BOA 01
- 2. Approval of Resolution:** Wagon Wheel Homes, LLC – 2021 BOA 02
- 3. Approval of Resolution:** Industrial Tower West (Viaero Wireless) – 2021 BOA 03

OTHER MATTERS:

ADJOURN:

**MORGAN COUNTY, COLORADO
BOARD OF ADJUSTMENT**

RESOLUTION 2021 BOA 01

A RESOLUTION APPROVING A VARIANCE REQUEST TO INCREASE THE FENCE HEIGHT FROM 8 FEET TO 25 FEET ON THE PROPERTY LOCATED THE SW¼ OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 57 WEST NORTH OF INTERSTATE 76, AND IN THE SE¼ OF SECTION 36, TOWNSHIP 4 NORTH RANGE 58 WEST AND THE VACATED ROAD OF THE 6TH P.M. MORGAN COUNTY, COLORADO

WHEREAS, Western Sugar Cooperative (“Owner”) owns property located in the SW¼ of Section 31, Township 4 North, Range 57 West North of Interstate 76, and in the SE¼ Section 36, Township 4 North, Range 58 West and the vacated road of the 6th P.M. Morgan County, Colorado, 80701 (“Property”);

WHEREAS, Mike Skeans (“Applicant”) has submitted an application for a variance from Section 3-650, Table 2 of Appendix B, Zone District Bulk requirements in the Morgan County Zoning Regulations to increase the maximum allowed fence height from 8 feet to 25 feet in the Heavy Industrial Zone where the Property is located; and

WHEREAS, on November 23, 2020, the Morgan County Board of Adjustment held a duly noticed public hearing on the application at which, after receiving public comment and staff input, the Board of Adjustment desires to approve the application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF MORGAN COUNTY, COLORADO, that based upon the findings set forth below desire to grant the variance:

Section 1. The Board of Adjustment having reviewed the criteria for a variance as set forth in Section 5-220(B) of the Morgan County Zoning Regulations finds that:

1. The strict application of the applicable regulations results in peculiar and exceptional hardship because the increased height for the fence is a requirement of the Colorado Department of Public Health and Environment to reduce the impact of blowing dust from the Property.
2. The hardship is not self-imposed
3. The variance will not adversely affect the use of adjacent property as permitted under these Regulations.
4. Western Sugar Cooperative diversifies the economy of Morgan County, broadens business employment opportunities for residents and furthers economic growth while supporting the continuance of agriculture in the county.

5. That the variance does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

Section 2. The Board of Adjustment hereby grants the variance request.

Dated this 19th day of January, 2021.

**BOARD OF ADJUSTMENT
MORGAN COUNTY, COLORADO**

Allyn Wind, Chairman

ATTEST:
(SEAL)

Susan L. Bailey, Clerk to the Board

**MORGAN COUNTY, COLORADO
BOARD OF ADJUSTMENT**

RESOLUTION 2021 BOA 02

A RESOLUTION APPROVING A VARIANCE TO DECREASE FRONT SETBACK FROM 30 FEET TO 12 FEET, THE SIDE SETBACK FROM 25 FEET TO 24 FEET, AND THE REAR SETBACK FROM 20 FEET TO 14 FEET ON THE PROPERTY LOCATED IN THE SW¼ OF THE SE¼ SECTION 3, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6TH P.M. MORGAN COUNTY, COLORADO.

WHEREAS, Wagon Wheel Homes, LLC (“Owner”) owns property located in the SW¼ of the SE¼ of Section 3, Township 3 North, Range 57 West of the 6th P.M. Morgan County, Colorado, 80701, also known as 21589 County Road R, Fort Morgan, CO 80701;

WHEREAS, Richard Migchelbrink and Helen Migchelbrink (“Applicants”) have submitted an application for a variance from Section 3-650, Table 2 of Appendix B, Zone District Bulk requirements in the Morgan County Zoning Regulations to decrease the front setback from 30 feet to 12 feet, the side setback from 25 feet to 24 feet and the rear setback from 20 feet to 14 feet in the Agriculture Production Zone; and

WHEREAS, on November 23, 2020, the Morgan County Board of Adjustment held a duly noticed public hearing on the application at which, after receiving public comment and staff input, the Board of Adjustment approved the application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF MORGAN COUNTY, COLORADO, that based upon the findings set forth below desire to grant the variance:

Section 1. The Board of Adjustment having reviewed the criteria for a variance as set forth in Section 5-220(B) of the Morgan County Zoning Regulations finds that:

1. Strict application of the regulations will result in peculiar or exceptional hardship. This property has been a mobile home park for approximately 50 years. In order to upgrade the homes on the property to ensure they are habitable, the variance is needed.
2. There is an exceptional situation or condition of the property. The mobile home were placed on the property before the adoption of zoning regulations by the County.
3. The hardship is a result of the property having been used as a mobile home park for approximately 50 years and had been anticipated to remain.
4. The variance will not adversely affect the use of adjacent property and will allow the owner to improve the park by replacing and renovating units, improving the area.

5. The variance is in keeping with the intent of the Morgan County Zoning Regulations and the Morgan County Comprehensive Plan by:
 - a. This variance will support economic growth and provide affordable housing options for the work force in the area.
 - b. This variance will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.
 - c. Morgan County's image will improve, this variance will allow for improvements to Wagon Wheel Mobile Home Park.
6. That the variance will improve the health safety and welfare of the citizens of Morgan County.

Section 2. The Board of Adjustment hereby grants the variance request.

Dated this 16th day of February, 2021.

**BOARD OF ADJUSTMENT
MORGAN COUNTY, COLORADO**

Allyn Wind, Chairman

ATTEST:
(SEAL)

Susan L. Bailey, Clerk to the Board

**MORGAN COUNTY, COLORADO
BOARD OF ADJUSTMENT**

RESOLUTION 2021 BOA 03

**A RESOLUTION APPROVING A VARIANCE TO INCREASE THE MAXIMUM
STRUCTURE HEIGHT FROM 100 FEET TO 120 FEET ON THE PROPERTY
LOCATED IN SECTION 24, TOWNSHIP 4 NORTH, RANGE 58 WEST OF THE 6TH
P.M. MORGAN COUNTY, COLORADO.**

WHEREAS, Ruth Pogorelz (“Owner”) owns property located in Section 24, Township 4 North, Range 58 West of the 6th P.M. Morgan County, Colorado, 80701 (“Property”);

WHEREAS, Rick Bailey, on behalf of Industrial Tower West (“Applicant”), has submitted an application for a variance from Section 3-650, Table 2 of Appendix B, Zone District Bulk requirements in the Morgan County Zoning Regulations to increase the maximum allowed structure height from 100 feet to 120 feet in the Agriculture Production Zone; and

WHEREAS, on January 19, 2021, the Morgan County Board of Adjustment held a duly noticed public hearing on the application at which, after receiving public comment and staff input, the Board of Adjustment desires to approve the application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF MORGAN COUNTY, COLORADO, that based upon the findings set forth below desire to grant the variance:

Section 1. The Board of Adjustment having reviewed the criteria for a variance as set forth in Section 5-220(B) of the Morgan County Zoning Regulations finds that:

1. The variance would allow better provision of wireless services for Morgan County and the strict application of the regulations would reduce the availability of services.
2. There is an extraordinary situation throughout the county with many areas that lack sufficient wireless service the tower will provide improved and enhanced service to this area of the county.
3. The hardship is not self-imposed.
4. The variance will not adversely affect the use of adjacent property as permitted under these Regulations.
5. This variance is in keeping with the intent of the Morgan County Zoning Regulations and the Morgan County Comprehensive Plan that will ensure adequate infrastructure and plans to expand utilities for future growth.
6. That the variance does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

Section 2. The Board of Adjustment hereby grants the variance request.

Dated this 19th day of January, 2021.

**BOARD OF ADJUSTMENT
MORGAN COUNTY, COLORADO**

Allyn Wind, Chairman

ATTEST:
(SEAL)

Susan L. Bailey, Clerk to the Board