

MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS
August 18, 2025 MINUTES

The Morgan County Board of Adjustments met on Monday, August 18, 2025 at 5:53 p.m. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Allyn Wind.

Chairman Allyn Wind, Vice Chairman Charles Ruyler, Paula Keefe and Jason Enfante were present. Nicole Hay, Planning Administrator, Cheryl Brindisi, Administrative Assistant, Jenafer Santos, Planning Technician, and Morgan County IT Administrator, Karol Kopetzky attended.

APPROVAL OF AGENDA:

It was moved by **Paula Keefe** and seconded by **Jason Enfante** to approve the agenda as presented. Motion passed 4-0.

APPROVAL OF MINUTES:

It was moved by **Jason Enfante** and seconded by **Charles Ruyler** to approve the February 18, 2025 minutes as presented. Motion passed 4-0.

OLD BUSINESS: None

NEW BUSINESS: T3 Land & Investment LLC-Variance

PROCEDURAL: Chairman Allyn Wind read the hearing process for the meeting.

Planning Director, Nicole Hay read her file summary as follows:

APPLICANTS: No Problem Electric Corp.
LANDOWNER: T3 Land & Investment LLC

No Problem Electric Corp has submitted this application on behalf of T3 Land & Investment LLC for a variance from Sec. 4-825(B)(1) of the Zoning Regulations requiring accessory ground mounted solar collectors to be located in a side or rear yard only. The request is to allow for the solar collector to be located in the front yard due to limited available area and adequate sun exposure.

The proposed accessory ground mounted solar collector would be located on a parcel in the NW $\frac{1}{4}$ of Section 4, Township 3 North, Range 55 West, north of Highway 34 and in the W $\frac{1}{2}$ of Section 33, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado aka 32295 Highway 34, Brush, CO 80723. The property is in the Brush Fire District.

Accessory Ground-Mounted Solar Collectors

The solar facility is considered an accessory ground-mounted solar collector under the Morgan County Zoning Regulations. Standards are addressed in Section 4-825(B) of the Zoning Regulations:

Accessory ground-mounted solar collectors shall:

- (1) Be located in a side or rear yard only;

- (2) Be set back at least six (6) feet from the side and rear property line;
- (3) Not be located within any third-party easement on the property without written approval from such third-party easement holder;
- (4) Be located so as to minimize glare visible from abutting properties;
- (5) Not exceed fifteen (15) feet in height with panels oriented in a vertical position; and
- (6) Be included in determining the maximum coverage of structures on the lot.

In reviewing this application, the Board of Adjustment is required to make a finding that the criteria for granting a variance in Section 5-220(B) of the Morgan County Zoning Regulations have been satisfied:

- (1) The strict application of the applicable regulation results in peculiar and exceptional practice difficulties or exception and undue hardship on the owner due to:
 - (a) Exceptional narrowness, shallowness, or shape of the property at the time of the enactment of the regulation; or
 - (b) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; and

The variance is requested to allow for an accessory ground-mounted solar collector to be located in the front yard. Due to the property being an active confined animal feeding operation (CAFO) there is limited available area for the solar collector facility.

- (2) The hardship is not self-imposed;
- (3) The variance, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations;
- (4) That the variance, if granted, is in keeping with the intent of the Morgan County Zoning Regulations and the Morgan County Comprehensive Plan; and
- (5) That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

Approval of this variance request would be subject to approval of a conditional use permit required for an accessory, non-residential, ground-mounted solar collector in the Agricultural Production zone district.

Nicole Hay,
Morgan County Planning Administrator

Shawn Harrel, 6950 E. Chenango Ave, Denver, CO 80237, presented this application, on behalf of T3 Land & Investment LLC, to the Board of Adjustments.

BOARD OF ADJUSTMENT DISCUSSION:

Allyn Wind asked if the panels to be installed are accustomed to the standard size? Will they cause glare?

Shawn Harrel stated that they are typical, standard panels with minimal glare. He also noted that due to the proximity of the airport, a Glare Study was conducted.

Allyn Wind asked if it will reduce the feedyards power requirement from the local utility producer?

Shawn Harrel noted that it will reduce it by approximately 50%. They had received a grant from the USDA to help pay for this.

Allyn Wind asked the dimensions of the rows?

Shawn Harrel replied 5 rows, 14' wide and 244' long.

Charles Ruelle asked how far north off of the highway is it located?

Shawn Harrel said 112.5' from the highway to the first set of panels with a fence in between and will be building a fence around the solar arrays.

Charles Ruelle asked if the power generated will be used on site? Is it adequate to run a feedmill?

Shawn Harrel said yes, it won't offset everything but it will be adequate to run the feedmill.

PUBLIC COMMENT OPEN: None

It was moved by **Jason Enfante** and seconded by **Paula Keefe** to approve the variance as presented. Motion passed 4-0.

NEW BUSINESS: Industrial Tower West-Variance

Planning Director, Nicole Hay read her file summary as follows:

APPLICANTS: Industrial Tower West

LANDOWNER: Morgan County

Industrial Tower West has submitted this application for a variance to Table 1 of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding maximum height and front setback in the Agriculture Production District. The variance request is to increase the current height restriction of 100 feet to 112 feet and to decrease the front setback from 30 feet to 20 feet.

The proposed tower will be located on a leased 40 foot x 40 foot site owned by Morgan County. The site is located in the SW^{1/4} of Section 14, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, also known as 21448 County Road 22, Fort Morgan, CO 80701. The property is in the Fort Morgan Fire District.

The proposed tower would ultimately replace an existing 52-foot tower located on the same property, just north of the leased area. The new facility will offer much needed coverage to the areas surrounding the tower. The height requested will eliminate the need for multiple other towers to provide the same coverage.

Minimum setback

The tower is considered a freestanding Wireless Service Facility under the Morgan County Zoning Regulations. Minimum setback restrictions are addressed in Section 4-720(A)(1) of the Zoning Regulations:

A freestanding WSF shall meet the greater of the following minimum setbacks from all property lines:

- (a) The setback for a principal structure within the applicable zone district;
- (b) Twenty-five (25) percent of the WSF facility height including antennae; or
- (c) The WSF facility height if the facility is adjacent to a residentially zoned parcel or if the WSF facility is within two hundred fifty (250) feet of an existing residential structure.

The greater of the above setbacks is the 30-foot front setback restriction pursuant to Table 1, Appendix B.

Maximum height

The tower is considered a freestanding Wireless Service Facility under the Morgan County Zoning Regulations. Maximum height restrictions are addressed in Section 4-720(A)(2) of the Zoning Regulations:

Notwithstanding any height limitations in Table 1 of Appendix B, a freestanding WSF, including antennae, shall comply with all FAA regulations and requirements, and shall not interfere with any airport approach zones.

The property is subject to 100-foot height restriction pursuant to Table 1, Appendix B.

In reviewing this application, the Board of Adjustment is required to make a finding that the criteria for granting a variance in Section 5-220(B) of the Morgan County Zoning Regulations have been satisfied:

- (6) The strict application of the applicable regulation results in peculiar and exceptional practice difficulties or exception and undue hardship on the owner due to:
 - (a) Exceptional narrowness, shallowness, or shape of the property at the time of the enactment of the regulation; or
 - (b) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; and
- (2) The hardship is not self-imposed;
- (3) The variance, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations;
- (4) That the variance, if granted, is in keeping with the intent of the Morgan County Zoning Regulations and the Morgan County Comprehensive Plan; and
- (5) That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

The following condition is recommended if the variance application is approved:

- (1) Upon completion of construction, the applicant shall submit engineered as-built drawings to confirm the dimension standards required by the Zoning Regulations and approved by BOA as part of the application.

Nicole Hay,
Morgan County Planning Administrator

Teresa Sweigart, 1224 West Platte Ave. Fort Morgan, CO 80701, presented this application, on behalf of Industrial Tower West, to the Board of Adjustments.

PUBLIC COMMENT OPEN: None

It was moved by **Paula Keefe** and seconded by **Jason Enfante** to approve the variance as presented. Motion passed 4-0.

It was moved by **Jason Enfante** and seconded by **Charles Ruyle** to approve resolutions 2025 BOA 002 and resolution 2025 BOA 003.

Motion passed 4-0.

ADJOURN:

It was moved by **Paula Keefe** and seconded by **Jason Enfante** to adjourn the meeting.

Motion passed 4-0.

The meeting was adjourned at 6:20 P.M.

Respectfully Submitted,

Cheryl Brindisi

Planning and Zoning Administrative Assistant