

MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS
November 18, 2024 MINUTES

The Morgan County Board of Adjustments met on Monday, November 18, 2024 at 5:30 p.m. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Allyn Wind.

Board of Adjustment Members Chairman Allyn Wind, Charles Ruyle, Jason Enfante, Paula Keefe, and Julie Padilla attended in person. Also present were Nicole Hay, Planning Administrator, Cheryl Brindisi, Administrative Assistant, and Jenafer Santos, Planning Technician. Morgan County IT Administrator, Karol Kopetzky was also present.

It is noted that this Board of Adjustments meeting for November 18, 2024, was held in person with an option to attend remotely through the Zoom platform.

APPROVAL OF AGENDA:

It was moved by **Paula Keefe** and seconded by **Charles Ruyle** to approve the agenda. Motion passes 5-0.

APPROVAL OF MINUTES: January 16, 2024

It was moved by **Paula Keefe** and seconded by **Jason Enfante** to approve the January 16, 2024 minutes. Motion passes 5-0.

Chairman Allyn Wind read the meetings procedural.

NEW BUSINESS:

APPLICANTS: Chris and Becky Tate
LANDOWNER: Brandy Living Revocable Trust, Dated April 8, 2022

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

Chris and Becky Tate, on behalf of the Brandy Living Revocable Trust, Dated April 8, 2022, have submitted an application for a variance from the minimum side and rear setbacks to place a double wide manufactured home on their property. The applicants are requesting a reduction from the required side yard setback of 7.5 feet to 5 feet and rear yard setback from 10 feet to 5 feet. The required setbacks are established in Table 1 of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations. The property is described as Lot 176A of Tate Amended Plat of Lots 175 and 176 of the Jackson Lake Recreational Vehicle Park Subdivision located in the W¹/₂ NW¹/₄ of Section 27, Township 5 North, Range 60 West of the 6th P.M., Morgan County, Colorado addressed as 176 Indian Way, Weldona, CO 80653.

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:

First criteria:

The strict application of the applicable regulation results in peculiar and exceptional difficulties or exception and undue hardship on the owner due to one of the following:

- (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;

The variance is requested for a reduction in the side yard setback from 7.5 feet to 5 feet and in the rear yard setback from 10 feet to 5 feet for a double-wide manufactured home. There are no peculiar and exceptional difficulties or exception, or hardship imposed by applying the setback regulations.

Second Criteria: All of the following must be established to grant a variance:

- (1) The hardship is not self-imposed;

The hardship is self-imposed due to the approval of an amended plat to remove the interior lot line. With the removal of the lot line, the residence can be installed to meet the required side and rear yard setbacks.

- (2) The variance, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations;

The variance will not adversely affect the use of adjacent property. All adjacent property is currently being used for residential purposes.

- (3) That the variance, if granted, is in keeping with the intent of these Zoning Regulations and the Morgan County's Comprehensive Plan; and

The Zoning Regulations provide for variance requests to reduce front yard setbacks.

- (4) That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

The variance to reduce the side and rear yard setbacks, if granted, will 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 a single-family dwelling other than a single-wide manufactured home in the Jackson Lake Village zone district.

Nicole Hay,
Morgan County Planning Administrator

Applicants **Chris and Becky Tate, Brandy Living Revocable Trust, Dated April 8, 2022**, 859 E. 133rd Ave., Thornton, CO. 80241, presented this application to the Board of Adjustments.

BOARD DISCUSSION:

Jason Enfante asked about a double-wide versus a single-wide in regards to setbacks. **Chris and Becky Tate** explained that they upgraded their older trailer house to a new double-wide manufactured home. He noted that they would like to keep their 5th wheel trailer on this

property to accommodate extra family during visits. This causes a hardship for them as far as setbacks due to space constraint for the 5th wheel, boat, double-wide trailer and vehicles. He noted that the original single- wide trailer house had an approved variance for setbacks.

Jason Enfante asked for clarification of the Amended Plat that had taken place recently for lots 175 and 176.

Nicole Hay explained that the Amended Plat took place to remove the internal lot line and create lot 176A in order for the Tates to have enough room to place a double-wide manufactured home onto this parcel. Nicole verified that the Tates had an approved variance for setbacks for the previous single-wide. Since this is a new building the previous variance does not transfer to the new building and that is why they had to reapply for this variance if they wanted to ask to place the manufactured home into the setbacks to allow for parking their various vehicles and trailers.

Charles Ruyle asked about the site plan and if the Tates owned lots 175 and 176. He asked for clarification of where the 5th wheel and vehicles would be parked.

Jason Enfante asked where the previous trailers setbacks were.

Chris Tate noted that the previous trailer was sold and was recently removed.

PUBLIC COMMENT: None

Jason Enfante motioned to approve the application as presented. **Julie Padilla** seconded. Motion passes 5-0.

RESOLUTION:

Charles Ruyle motioned to approve Resolution 2024 BOA 01, approving the Tates variance for Brandy Living Revocable Trust. **Julie Padilla** seconded. Motion Passes 5-0.

ADJOURN:

It was moved by **Paula Keefe** and seconded by **Charles Ruyle** to adjourn the meeting. Motion passes 5-0. Meeting adjourned at 5:58 P.M.

Respectfully Submitted,

Cheryl Brindisi

Planning and Zoning Administrative Assistant