



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

MORGAN COUNTY BOARD OF ADJUSTMENT FILE SUMMARY

June 28, 2023

July 3, 2023 – Hearing Date

OWNER: BOS Farms, LLC

APPLICANT: Tim Naylor - AGPROfessionals

On June 20, 2023, the Board of Adjustment held a public hearing on an application from AGPROfessionals for a variance to Section 3-650 Table 1, Note (d) of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding minimum setback for a residential structure to a confined animal feeding operation (CAFO) in the Agricultural Production zone district. The minimum setback from an animal confinement facility to an occupied structure is 1,320 feet. There is an existing home that is approximately 770 feet from the proposed footprint for the feeding operation.

The subject parcel of land is located in a part of the SE $\frac{1}{4}$ of Section 20, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, the NW $\frac{1}{4}$ of Section 28 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29, all in Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

Resolution 2023 BOA 01 reflects the outcome of the hearing.

Nicole Hay
Morgan County Planning Administrator

**MORGAN COUNTY, COLORADO
BOARD OF ADJUSTMENT**

RESOLUTION 2023 BOA 01

**A RESOLUTION APPROVING A VARIANCE REQUEST TO REDUCE THE
REQUIRED SETBACK FROM A CONFINED ANIMAL FEEDING OPERATION OF
1,320 FEET TO 770 FEET TO AN OCCUPIED STRUCTURE LOCATED IN THE E1/2
OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH P.M.
MORGAN COUNTY, COLORADO WITH A STREET ADDRESS OF 14505 ROAD 14,
FORT MORGAN, COLORADO**

WHEREAS, Bos Farms, LLC (“Owner”) owns property located in part of the SE1/4 of Section 20, the SW1/4SW1/4 of Section 21, the NW1/4 of Section 28 and the N1/2NE1/4 of Section 29, all in Township 3 North, Range 58 West, of the 6th P.M. Morgan County, Colorado (“Property”);

WHEREAS, the Owner desires to use the Property as a confined animal feeding operation;

WHEREAS, the Owner has submitted an application for a variance from Section 4-200(A) and Section 3-650, Table 2 of Appendix B, Note (d), Zone District Bulk requirements in the Morgan County Zoning Regulations to reduce the required setback from 1,320 feet to 770 feet in the Agriculture Production zone district; and

WHEREAS, on June 20, 2023 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 subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF MORGAN COUNTY, COLORADO, that based upon the findings set forth below that the application as follows:

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:
 - a. The strict application of the applicable regulations results in peculiar and exceptional hardship on the owner. Due to the sites existing topography and the natural flow paths, the site design has resulted in a few large pens being placed within the 1320 foot setback.
 - b. The hardship is not self-imposed.
 - c. The variance will not adversely affect the use of adjacent property as permitted under the County Zoning Regulations. The adjacent properties are currently being used for agricultural purposes.

- d. That the variance is in keeping with the intent of these Zoning Regulations and the Morgan County Comprehensive Plan. This variance will support and encourage agricultural industry in the County.
 - e. That the variance does not adversely affect the health, safety, and welfare of the citizens of Morgan County.
2. The Board of Adjustment hereby grants the variance request subject to:
- a. The Morgan County Commissioners' approval the Use by Special Review application. If the County Commissioners do not approve the Use by Special Review, the approval of the variance shall be deemed void.

Dated this 3rd day of July, 2023.

**BOARD OF ADJUSTMENT
MORGAN COUNTY, COLORADO**

Allyn Wind, Chairman

ATTEST:
(SEAL)

Kevin Strauch, Clerk to the Board