

MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS
February 21, 2017
MINUTES

The Morgan County Board of Adjustments met on Tuesday, February 21, 2017, at 5:30 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Allyn Wind, Mike Erker Viola Johnson, and Brian McCracken. Also present were Pam Cherry, Planning Administrator and Jody Meyer, Planning Assistant.

The meeting was called to order by Vice Chairman Allyn Wind. Mr. Wind noted that they are one member short as Fred Midcap retired from the Board.

Motion was made by Mike Erker and seconded by Brian McCracken to approve the minutes of the October 27, 2016 meeting. Motion carried 4-0.

The Agenda was approved as presented.
Allyn Wind read the procedural rules for this hearing.

NEW BUSINESS:

Election of Officers for 2017:

It was moved by Brian McCracken and seconded by Viola Johnson to appoint Allyn Wind as Chairman and Mike Erker as Vice Chairman for 2017. Motion carried 4-0.

PUBLIC HEARING IS OPEN

VARIANCE TO ZONING REGULATIONS

APPLICANT: MARK HAAKE

LANDOWNER: STEVEN AND SHARON BRUNTZ

Steve Bruntz, Mark Haake, and Matt Haake were present to represent this application.

Pam Cherry presented the file and noted the following:

Background Information

The subject property is located in the SE1/4 of Section 3, Township 3 North, Range 60 West of the 6th P.M., and is located just north of Highway 34 and just west of Co Rd 4, Wiggins, CO 80654.

The property is being purchased to build a 60' x 75' shop for Mor-Line Equipment to conduct a sales and repair of feeding equipment to the dairy and feedlot industries. Most of the repairs of customers' equipment are done at the customers' facilities; but the ability to bring some units inside for repairs is necessary during bad weather. The intent is to move the existing business to this new location for better exposure of equipment for sale and to allow a shop. The applicant hopes to have construction completed in June, 2017.

Water – Water well permit application has been submitted to the Colorado Division of Water Resources. Either an exempt or non-exempt commercial well is required. Additional information was

requested from the applicant by the State on January 27, 2017. Quality Water has provided a letter stating no objection to a well to serve this business.

Access – There is a letter from Morgan County Road and Bridge allowing an access off of County Road 4.

The Variance is required because there is no provision allowing this proposal as a use by right, a conditional use, or a special use in Agriculture Zone District. Therefore, it is prohibited pursuant to Section 2-325 of the Morgan County Regulations as follows:

2-325 Prohibited Uses

Any use not designated as a Use by Right, Accessory Use, Conditional Use, or Use by Special Review in a particular zone shall be considered a prohibited use in that zone.

However, Morgan County Regulations permit use variances, see Zoning Regulations Sections 5-105(B)(2) and 5-105(B)(4) below:

5-105 Powers and Duties of the Board of Adjustment

The Board of Adjustment has the following powers:

(A) To hear and act upon requests for appeals from the administrative decisions of the Planning Administrator and interpretive decisions of the Administrator regarding Zone District Boundaries.

(B) To hear and grant or deny variances from the standards of these regulations regarding:

- (1) Floodplain requirements.
- (2) Where, by reason of particular shape, size, or topography of a parcel of land, or of the physical condition of a building or the land, or practical difficulty would result in unnecessary hardship to an applicant for a variance from strict application or enforcement of these regulations.
- (3) Number of residences per parcel.
- (4) A use not enumerated for a particular zone in Chapter 3 of these Regulations provided the criteria of subparagraph (B)(2) of this section and Section 5-220 are met.

Also it is noted that this commercial business is located less than 1320 feet from a livestock confinement facility. A Special Use Permit is not required to build a commercial business near this livestock confinement. A letter from adjoining property owner, Front Range Farms, LLC, stating they are not opposed to this variance, is included in the file. However, if Front Range Farms, LLC were to expand, the location of the commercial use may restrict any increase.

All appropriate notices, posting, and publications requirements have been met. Appropriate fees have been paid for application and review. The subject property is located within the Wiggins Rural Fire District. Taxes are current. The subject property is zoned “A” Agriculture and is not located in the floodplain.

Pam Cherry recommended approval on the condition that prior to the issuance of a building permit:

- The Colorado Division of Water Resources has issued the appropriate well permit, and
- The well functions at a level adequate to support the development and water quality testing is acceptable.

- Or water is obtained through Morgan County Quality Water.

Steve Bruntz told the Board of Adjustments this was a good fit in the area and a good business for the County.

Mark Haake noted this is already an existing business that he operates and moving to this parcel will be a better location and they will have a shop to work out of.

Brian McCracken said he drove by the parcel and said it was a good location. He was in favor of this application as long as Front Range Dairy was aware of the new business and that it could restrict any expansion.

Viola Johnson asked about trash accumulation on the property. Mark Haake said they would have Wolf Waste pick up trash and that the oil were recycled. Any animal refuge could be spread on farmgrounds if needed.

There was no one present to speak in favor of this application.

Speaking in Opposition:

Jeff McCullough, 17441 Co Rd 4, Wiggins was concerned about the added traffic to this area. Mark Haake said the parcel would be approximately 6 acres and he explained that they would sell and repair silage and manure spreaders. There will be equipment of this type for sale also. He did not anticipate a lot of extra traffic for this business.

Pam Cherry said there were a couple of calls that came in regarding this application. Jody Meyer received one call from Robyn Geisick who lives about ½ mile away and was concerned about her child care business. After visiting with her, she said she had no problems with this business.

Jody Meyer also noted that she talked with Lee Perrara from Front Range Farms to make sure they understood if they were to expand, the location of the commercial use may restrict any increase. He said they were aware of that information.

There was a phone call from Paul Larino from the Town of Wiggins about this application. He informed the department of possible future annexation along Co Rd 4.

CLOSE OF PUBLIC TESTIMONY

It was moved by Mike Erker and seconded by Viola Johnson to APPROVE this Application for a Variance as to place a Commercial business in an Agriculture Zone. The subject property is located in the SE1/4 of Section 3, Township 3 North, Range 60 West of the 6th P.M., and is located just north of Highway 34 and just west of Co Rd 4, Wiggins, CO 80654 with the following conditions that prior to the issuance of a building permit:

- **The Colorado Division of Water Resources has issued the appropriate well permit, and**
- **The well functions at a level adequate to support the development and water quality testing is acceptable.**
- **Or water is obtained through Morgan County Quality Water.**

Roll call vote was taken, motion carried 4-0, becoming Resolution #2017 BOA 01.

There being no further business, the meeting was adjourned.

Respectfully submitted,
Jody Meyer, Planning Assistant