

City of Greeley, Colorado  
**ZONING BOARD OF APPEALS PROCEEDINGS**

January 11, 2022

**1. Call to Order**

Chair Yeater called the virtual meeting to order at 1:15 p.m.

**2. Roll Call**

The hearing clerk called the roll.

PRESENT

Commissioner Erik Briscoe  
Commissioner Larry Modlin  
Commissioner Chelsie Romulo  
Chair Justin Yeater

ABSENT

Commissioner Jeff Carlson  
Commissioner Brian Franzen  
Commissioner Christian Schulte

**3. Recognition of former Commissioner Louisa Andersen**

Chair Yeater requested to move this item to a date when the Commission could meet in person.

**4. Approval of Agenda**

Commissioner Romulo moved to approve the Agenda. Commissioner Modlin seconded the motion. Motion carried 4-0. Commissioners Carlson, Franzen and Schulte were absent.

**5. Approval of September 14, 2021 Minutes**

Commissioner Romulo moved to approve the minutes dated September 14, 2021. Commissioner Briscoe seconded the motion. Motion carried 4-0. Commissioners Carlson, Franzen and Schulte were absent.

**6. Public hearing to consider a variance request to reduce the interior side setback of the west property line from five feet to zero feet to accommodate an existing shed on property zoned Planned Unit Development located at 7714 Plateau Road (Project No. VAR2021-0015)**

Darrell Gesick addressed the Commission and presented a map showing the site located in the Poudre River Ranch subdivision. He described the surrounding area and land uses. Mr. Gesick presented photographs and described the situation leading to a request for a variance.

Mr. Gesick presented a rendering that was attached to the original building permit in 2005 and pointed out the features of the structure at the time. He also presented renderings that were attached to a 2006 building permit that was signed off by Planning and issued by Building Inspection. Mr. Gesick noted that the staircase on the plans is allowed in the side setback, adding that a shed is not allowed. He was unclear whether Planning or Building Inspection were aware of the proposed shed at the time of the permit. A Certificate of Occupancy was issued in 2007 and the shed has been in place since that time. Mr. Gesick reported that in 2020, the current owner (applicant for this variance) started work to add a second story to expand the shed. A stop work order was issued by Building Inspection and the owner then applied for a building permit. At that time, city staff discovered that the existing shed encroached into the side setback. The owner voluntarily removed the staircase and stonework at that time.

Mr. Gesick described the approval criteria and stated that criteria 1 and 3 were met, adding that criteria 2, 4 and 5 are not applicable. Mr. Gesick stated that all three mandatory criteria had been met. He advised that the owner did not create the hardship and that strict application of the Code would result in a hardship to the current owner.

Notices were mailed to surrounding property owners and one objection was received. Staff received two emails in support. Mr. Gesick reported receiving two telephone calls, one in support and the other asking general questions. An additional email was received prior to the hearing and Mr. Gesick read the contents into the record. Mr. Gesick pointed out the property west of the site and shared the individual's concern.

Staff recommended approval. Mr. Gesick offered to answer questions and advised that the applicant was also present to answer questions.

Melinda Strauss, 7714 Plateau Road, addressed the Board and expressed that she should not be held responsible for a shed that was in place a number of years prior to purchasing the property. Ms. Strauss stated that she has attempted to work with the neighbor on every issue and feels that she has complied with requirements by city staff.

Chair Yeater opened the public hearing at 1:28 p.m. There being no public comment, the public hearing was closed at 1:28 p.m.

Commissioner Briscoe moved that based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance to allow for a reduction of the interior side setback from 5 feet to 0 feet complies with Section 24-515(f), Items 1 and 3, and Section 516(g), Items 1, 2 and 3 of the 1998 Development Code; and, therefore, approves the request. Commissioner Romulo seconded the motion.

During discussion, Commissioner Romulo added that a request for a driveway setback variance for the neighboring property was previously approved by the Board and felt that this was consistent with previous Zoning Board of Appeals action. Chair Yeater added that anyone moving in or near the property was aware of the situation prior to today's hearing. Commissioner Briscoe agreed and felt it was somewhat disingenuous for the owner of the neighboring property to request a variance and then oppose this one. Motion carried 4-0. Commissioners Carlson, Franzen and Schulte were absent.

## **7. Adjournment**

With no further business before the Board, Chair Yeater adjourned the meeting at 1:31 p.m.

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Justin Yeater, Chair

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Becky Safarik, Secretary