



BOARD OF ADJUSTMENT

Mike Simone, Chairperson

Bushrod White, Vice-Chairperson

Kathy Kvasnicka

Thomas Holton

Jimmy Dominguez

Shannon Rhoda

Zachary Potter

Board of Adjustment Agenda

Regular Meeting

130 South McKinley Avenue

Thursday, January 11, 2024

6:30 PM

(Order & Contents Subject to Change by Action of the Commission)

** Login information on how to attend this meeting virtually (optional) is on the last page of this Agenda.*

Call to Order

Approval of Agenda

Consent Agenda - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

Public Comment This portion of the Agenda is provided to allow members of the audience to present comments to the Board. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up.

Public Hearing(s)

- a. Election of Officers
- b. BOA2024-001 Bejarano Variance

Adjourn

Virtual Meeting Instructions

Join this meeting from your computer, tablet or smartphone.

<https://meet.goto.com/885796925>

You can also dial in using your phone.

[+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 885-796-925

Get the app now and be ready when your first meeting starts:

<https://meet.goto.com/install>

If you would like to participate remotely, we encourage you to test the phone number and links provided above prior to the start of the meeting, as each device requires initial adjustment. It is also recommended to log into the meeting early, and if you encounter any issues to call 303-304-4498 or email PlanningDept@fortluptonco.gov immediately.

When calling in, please be sure to mute your microphone on your computer, phone or tablet. Planning staff and/or the Chairman of the Board of Adjustment will provide instructions on when and how comments can be made by the public virtually.

RESOLUTION NO. BOA2024-001

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF FORT LUPTON APPROVING DEREK BEJARANO'S VARIANCE REQUEST TO KEEP A DETACHED GARAGE ON THE PROPERTY LOCATED AT LOCATED 1206 LANCASTER COURT, FORT LUPTON, COLORADO.

WHEREAS, the Board of Adjustment held a public hearing on January 11, 2024, to consider and review an application submitted by Derek Bejarano ("Applicant") on behalf of property owner Rick Bejarano for a variance from Sections 16-4.03(1)g.; 16-5.02(b)(2); 16-5.02(c)(1), Table 5-2; 16-5.02(c)(2)a.; 16-5.02(c)(2)b.; 16-5.02(c)(3)a.; and 16-5.02(c)(3)c. of the Fort Lupton Municipal Code for a detached garage located at 1206 Lancaster Court, Fort Lupton, Colorado; and

WHEREAS, all legal notification requirements have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within one hundred (100) feet of the property, and the posting of a sign on the site advertising the public hearing a minimum of fifteen (15) days in advance of the hearing; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton Board of Adjustment took into consideration any supporting documentation for the variance request, staff comments, as well as the applicant's presentation and any citizen input in response to this application. Based upon review of the applicable policies and goals in the Fort Lupton Development Code, the Board of Adjustment hereby approves a variance, conditional upon the following:

- A. Prior to the dismissal of the violation:
 - I. The Property Owner shall immediately remove all structures at the Property Owner's expense at the request of the City of Fort Lupton or a utility provider working within the utility easement. If removed or moved for any reason, the structure cannot be rebuilt, replaced, or returned to its original location.
 - II. The Applicant must obtain a building permit for the detached garage.
 - III. Per Building Official, install a one (1) hour fire rated wall on the side of the structure that faces the property line (east side) prior to receiving building permit. Note that additional requirements from the Building Official may come in the building permit process.
 - IV. No concrete or permanent floor base shall be allowed below the detached garage; the existing surface must remain.

DONE THIS 11TH OF JANUARY, 2024, BY THE BOARD OF ADJUSTMENT FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

RESOLUTION NO. BOA2024-001

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WHEREAS, the Board of Adjustment held a public hearing on January 11, 2024, to consider and review an application submitted by Derek Bejarano ("Applicant") on behalf of property owner Rick Bejarano for a variance from Sections 16-4.03(1)g.; 16-5.02(b)(2); 16-5.02(c)(1), Table 5-2; 16-5.02(c)(2)a.; 16-5.02(c)(2)b.; 16-5.02(c)(3)a.; and 16-5.02(c)(3)c. of the Fort Lupton Municipal Code for a detached garage located at 1206 Lancaster Court, Fort Lupton, Colorado; and

WHEREAS, all legal notification requirements have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within one hundred (100) feet of the property, and the posting of a sign on the site advertising the public hearing a minimum of fifteen (15) days in advance of the hearing; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton Board of Adjustment took into consideration any supporting documentation for the variance request, staff comments, as well as the applicant's presentation and any citizen input in response to this application. Based upon review of the applicable policies and goals in the Fort Lupton Development Code, the Board of Adjustment hereby denies the Bejarano Variance (VAR2023-001).

DONE THIS 11TH OF JANUARY, 2024, BY THE BOARD OF ADJUSTMENT FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

BEJARANO VARIANCE
VARIANCE REQUEST STAFF REPORT
PROJECT NO. VAR2023-001

PROJECT DESCRIPTION

Project No.: VAR2023-001

Project name: Bejarano Variance

Owner's Name: Rick Bejarano

Representative: Derek Bejarano ("Applicant")

Location of Request:

The site address is 1206 Lancaster Court and is located at the southeast corner of Lancaster Court Ave., approximately 101 ft from Lancaster Ave (the Property). The Property is located in the Southwest Quarter of Section 32, Township 2 North, Range 66 West of the 6th P.M., City of Fort Lupton, County of Weld, State of Colorado.



Nature of Request:

The Applicant is seeking a variance for an existing detached garage on the east side of the property. No permits exist with the City for the detached garage and the structure was found to be in violation by Code Enforcement on September 29, 2022 (Case No. CE-22-740). The current structure appears to have been in the same location since the 2016 aerial image provided by Weld County, with a smaller one in its place in 2014 that dates back to at least 2012. No 2015 imagery or 2009-2011 imagery is available and no shed existed in 2008 imagery.



The detached garage does not meet eight sections of the Fort Lupton Development Code and this variance application is seeking relief for the following items to keep the detached garage in its current location:

- Requirement that the structure be “incidental and subordinate” from the dwelling in use. *After evaluating the garage and variance application, it is staff’s opinion that this standard has been met.*
- Requirement that the structure be compatible and consistent with allowed uses on surrounding properties in the R-2 zoning district. *After evaluating the garage and variance application, it is staff’s opinion that this standard has been met.*
- Requirement that the structure be consistent with the intent and objectives of the design and development standards in the Fort Lupton Municipal Code.
- The structure is entirely located within a 14’ utility easement.
- 3.9’ reduction in the side setback from 5’ to 1.1’.
- 17.5’ reduction in the Front Building Line (FBL) setback from 12’ behind the FBL to 5.5’ in front.
- 7.5’ reduction in the setback from the principal dwelling from 10’ to 2.5’. *The building official is not concerned about the distance for this case, and a reduction is allowed by the building official per the code.*
- Requirement that the structure be incidental and subordinate in scale and location to the principal building.
- 2’ increase in allowed wall height from 9’ to 11’.
- Requirement that the structure match the principal structure in design as a secondary building. *After evaluating the garage based on the pictures, it is staff’s opinion that this standard has been met.*

The applicant is requesting to keep the detached garage in its current location and is seeking relief from the above-mentioned standards of the Fort Lupton Development Code to have the code violation dismissed.

Site Size: The Property is 0.160 acres, more or less.

Current Zone District: ‘R-2’ Mixed-Density Residential

Proposed Use: The use of the property would not change. The applicant is requesting that the existing detached garage be allowed to remain.

Existing Use: The property is an existing residence.

Hearing Dates: Board of Adjustment – January 11, 2023 immediately following the Planning Commission meeting at 6:00 PM

Hearing Location: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado.

APPLICATION PROCESS

The Applicant is requesting approval of a variance. A variance is processed under [Section 16-2.09](#) of the Fort Lupton Municipal Code (“Code”).

After required public notice of the variance application, the Board of Adjustment shall consider the application, referral comments and any public testimony at a public hearing and shall, by resolution, approve, approve with conditions, or deny the variance based on the criteria listed below. The Board of Adjustment’s comments shall be based on the evidence presented, conformance with the Comprehensive Plan and compliance with the City’s standards, regulations and policies. Findings and conclusions of any variance approved by the Board shall be stated in writing in the minutes of the Board with the justifications set forth.

The Planning Department shall advise the applicant of the Board of Adjustment decision and of any conditions contained in the Board’s Decision.

Resolutions of the Board of Adjustment granting variances shall be recorded with the Weld County Clerk and Recorded at the expense of the applicant.

Any appeal of the decision of the Board of Adjustment may be made to the District Court as provided by law; provided, however, that such appeal must be made prior to thirty (30) days following the date of the final action taken by the Board of Adjustment, as provided by Rule 106, Colorado Rules of Civil Procedure.

The Board of Adjustment shall review and approve the variance only on the finding that all of the following conditions are met:

1. The requested variance arises from exceptional physical conditions that are unique to the subject property, that are not ordinarily found in the same zoning district, and that are not created by the property owner or those acting on behalf of the property owner;
2. The strict application of the provisions of the zoning regulations for which the variance is requested will constitute an unnecessary hardship upon the property owner, hindering the ability to legally use or construct upon the property. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the standards of this code;
3. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
4. The variance desired will not adversely affect the public health, safety, or general welfare;
5. Granting the variance would not alter the essential character of the surrounding neighborhood, and the general spirit of the ordinance and intent of the standards will be maintained; and
6. The requested variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.

NOTIFICATION REQUIREMENTS

The Code requires published notice of the hearing at least fifteen (15) days prior to the hearing. The Board of Adjustment hearing was published in the Fort Lupton Press on December, 21, 2023.

Notice of the public hearings was posted on the Property on December 26, 2023, which is at least fifteen (15) days prior to the hearing, as required by the Code. The Applicant wrote December 29, 2023 on the sign posting affidavit by mistake, however staff has written confirmation that the picture of the posted sign was sent on December 26, 2023, thus fulfilling the requirement.

Notice was mailed to neighbors within three-hundred (300) feet of the Property on December 27, 2023.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The Property is located within the ‘R-2’ Mixed-Density Residential Zone District, governed by Section 16-4.01 of the Fort Lupton Municipal Code. Within this zone district, one detached garage is an allowed use based on the lot size and is classified as a Secondary Building under Table 5-2 of Section 16-5.02 of the Fort Lupton Municipal Code. The following standards applicable to a detached garage and this variance application are outlined below:

Applicable Code Section	Required Spec per Code regulation
Section 16-4.03(1)a.	“The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.” <i>After evaluating the garage and variance application, it is staff’s opinion that this standard has been met.</i>
Section 16-4.03(1)e.	“Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.” <i>After evaluating the garage and variance application, it is staff’s opinion that this standard has been met.</i>
Section 16-4.03(1)g.	“All uses are conducted and structures are maintained in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.”
Section 16-5.02(b)(2)	“[I]n no case shall [permitted setback encroachments] authorize structures that violate the provisions of any easement.”
Section 16-5.02(c)(1), Table 5-2	“5’ setback from side and rear”
Section 16-5.02(c)(1), Table 5-2	“At least 12’ behind the front building line of the principal structure”
Section 16-5.02(c)(2)a.	“All accessory buildings shall be clearly incidental and subordinate to the principal building and use, in terms of scale, location, and orientation.”
Section 16-5.02(c)(2)b.	“All accessory buildings shall be at least ten (10) feet from the principal building, however a closer distance may be permitted subject to applicable building codes based on fire ratings of adjacent walls.” <i>The building official is not concerned about the distance for this case, and a reduction is allowed by the building official per the code.</i>

Section 16-5.02(c)(3)a.	“The wall height shall be no more than nine (9) feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.”
Section 16-5.02(c)(3)c.	“The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.” <i>After evaluating the garage and variance application, it is staff’s opinion that this standard has been met.</i>

The existing detached garage sits entirely within the easement area, has a 1.1’ side setback, sits 5’ in front of the front building line, is taller than the attached two car garage, and is different in form and style than the principal dwelling. Because the detached garage doesn’t meet the standards listed in the above table, the applicant is seeking a variance as outlined in the “Nature of Request” above.

Note that the detached garage would also not have been permitted under the old code due to it being within an easement and not meeting side setback for the R-2 Zoning District. However, it had been existing in its current location without issue since at least 2016.

The Applicant has submitted the required documents pursuant to the Code.

The Board of Adjustment shall review and approve the variance only on the finding that all of the following conditions are met:

1. The requested variance arises from exceptional physical conditions that are unique to the subject property, that are not ordinarily found in the same zoning district, and that are not created by the property owner or those acting on behalf of the property owner;
 - a. *The lot is uniquely shaped and would not have enough space for a third garage stall or detached garage to meet setbacks and easement requirements under the current or old code. Most side easements within the area are 5’, however this property has a 14’ easement that runs along the entire western edge of the subdivision. However, the conditions that led to the variance request were created by the property owner in the building of the detached garage without a permit.*
2. The strict application of the provisions of the zoning regulations for which the variance is requested will constitute an unnecessary hardship upon the property owner, hindering the ability to legally use or construct upon the property. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the standards of this code;
 - a. *Application of the Fort Lupton Development Code would not allow the property owner to build a detached garage in its existing location. Staff finds that this doesn’t constitute an unnecessary hardship because the applicant has an existing 2-car garage and could apply for permits and build a detached garage on the property if placed in a location that meet all setback and code requirements.*
3. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

- a. *Granting the variance would likely not adversely affect the rights of any adjacent property owners. The structure is entirely located on the property owner's lot and has been existing for at least 8 years in its current location without any apparent issue known to staff.*
- 4. The variance desired will not adversely affect the public health, safety, or general welfare;
 - a. *The variance will likely not have any adverse public health, safety, or general welfare implications. The structure meets load requirements. Engineering plans have been reviewed by the Building Official, who identified that a 1-hour fire wall would need to be added on the property line side of the structure to meet building code requirements when placed in a setback. Public Works and Building added the necessary conditions below in the interest of public health, safety, and general welfare, including that the structure be removed at the owner's expense should Public Works need to access the existing water line within the easement or any utility provider need to access the easement.*
- 5. Granting the variance would not alter the essential character of the surrounding neighborhood, and the general spirit of the ordinance and intent of the standards will be maintained; and
 - a. *Granting the variance would not alter the essential character of the neighborhood, as the detached garage is located at the end of a cul-de-sac abutting a vacant lot and is fairly well screened by the existing house. However, generally variances are not intended for self-inflicted circumstances nor are structures allowed to be built over an easement, within setbacks, and extend in front of the primary dwelling.*
- 6. The requested variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.
 - a. *The requested variance would allow the property owner to continue using the existing detached garage; no modifications or changes are proposed. Staff recommends a condition restricting the property owner from adding permanent flooring/base or a more permanent structure that may further impede access should Public Works need to access the existing water line within the easement.*

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates that area as Single-Family Detached Residential. The current use of the property fits this designation and the variance request doesn't impact the use of the site.

REFERRALS

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

City Attorney	Police Chief	Public Works Director
Building Inspector	GIS Specialist	Economic Development Manager
Development Review Engineer	Fort Lupton Fire Protection District	United Power

Comcast	CenturyLink	Xcel Energy
Postmaster	Weld County GIS	Fulton Ditch Company
Western Midstream		

STAFF RECOMMENDATION

Technically, this variance request does not meet the criterial for staff approval of the variance on the grounds that it doesn't meet all of the six criteria listed above for variances and doesn't meet seven code sections, including being located over a utility easement. However, there are other factors that should be considered by the Board of Adjustment in this request, including the history and nature of the detached garage, namely that it has been existing in its current location without known issue for at least 7-8 years. If the Board of Adjustment chooses to grant approval, staff recommends adding the conditions found in Resolution No. BOA2024-001 to minimize the potential impacts of the detached garage and best meet the intent of the Fort Lupton Development Code moving forward.

ALERNATIVES

1. Approve Resolution BOA2024-001 to grant the Bejarano Variance application (VAR2023-001) with the following conditions. Prior to the dismissal of the code violation:
 - a. The Property Owner shall immediately remove all structures at the Property Owner's expense at the request of the City of Fort Lupton or a utility provider working within the utility easement. If removed or moved for any reason, the structure cannot be rebuilt, replaced, or returned to its original location.
 - b. The Applicant must obtain a building permit for the detached garage.
 - c. Per Building Official, install a one (1) hour fire rated wall on the side of the structure that faces the property line (east side) prior to receiving building permit. Note that additional requirements from the Building Official may come in the building permit process.
 - d. No concrete or permanent floor base shall be allowed below the detached garage; the existing surface must remain.
2. Deny the Bejarano Variance application (VAR2023-001) by Resolution BOA2024-001.

For more information on this development, please refer to the documents found at:

<https://www.fortluptonco.gov/DocumentCenter/Index/797>



Planning & Building

130 S. McKinley Avenue Phone: 303.857.6694
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

Land Use Application Form

A. CONTACT INFORMATION

1) Property Owner Name: Rick Bejarano

Company:

Phone: 720-862-7786 Email:

Address: 1206 Lancaster Ct.

Preferred method of contact? Email: [] Phone: [X] Mail: []

2) Representative Name: Derek Bejarano

Company:

Phone: 720-297-6835 Email: wideopenmx686@gmail.com

Address: 1206 Lancaster Ct

Preferred method of contact? Email: [] Phone: [X] Mail: []

3) Billing Contact (where invoices should be directed to): Rick/Derek Bejarano

Company:

Phone: 720-297-6835 Email: wideopenmx686@gmail.com

Address: 1206 Lancaster Ct.

B. SITE DESCRIPTION

Site Address: 1206 Lancaster Ct.

Parcel Number: 130932323003

Existing Zone Classification: Residential Proposed Zone Classification: Residential

Water Type: None/city Sewage Type: None/city

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

Administrative Plat

- [] Lot Consolidation
[] Lot Line Adjustment
[] Lot Split
[] Minor Subdivision
[] Plat Correction

Subdivision

- [] Concept Plan
[] Preliminary Plat
[] Final Plat

Planned Development

- [] New Planned Development
[] Major Amendment to PUD
[] Minor Amendment to PUD

Site Plan

- [] Administrative Site Plan
[] Site Plan

Special Use Permit

- [] Daycare
[] General

[] Annexation & Initial Zoning

- [] Appeal
[] Change of Zone
[] Comprehensive Plan Amendment
[] Vacation of ROW or Easement
[X] Variance
[] Vested Property Rights
[] Other

Project No. _____

D. PROJECT DESCRIPTION

Project Name: existing carport detached Garage

Please provide a short description of the proposed project in the space provided below:

Please See Proposal letter Provided

E. REQUIRED DOCUMENTS

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

F. CERTIFICATIONS

Representative Certification

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: Derek Bejarano Date: 8-10-23

Owner Certification

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: Sub R. Bejarano Date: 8-24-23

For Office Use Only

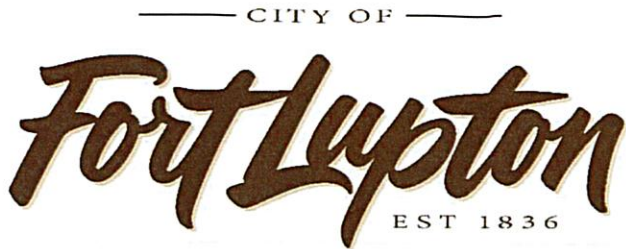
Received Date: 08/14/2023

If the application is not complete, state reasons why it is incomplete:

Back and forth with Derek from 08/14/2023 to 09/14/2023 to make necessary updates.

Deemed Complete Date: 09/14/2023

Fees Submitted: 09/12/2023 Escrow Submitted: 09/12/2023



Planning & Building

130 S. McKinley Avenue Phone: 303.857.6694
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

Variance Application

A pre-application conference and site visit may be required prior to submitting the Variance Application. The applicant may meet with representatives from the Planning Department to discuss the applicant's intended submittal, the criteria for issuance of a variance, the City's application requirements and processes and other information relevant to the proposed application. Please contact the Planning Department at 303-857-6694.

Section A: Owner Information

Applicant Name: Rick Bejarano Phone: 720-868-7786

Address: 1206 Lancaster ct.

Owner Name: Rick Bejarano Phone: 720-868-7786

Address: 1206 Lancaster ct.

Legal Description: car Port

Parcel Size: _____ Sqft

Section B: Proposed Project Information

Description of proposed project (check all that apply)

- New structure
- Addition
- Change of use
- Remodel
- Redevelopment
- Accessory structure
- Mobile home
- Attached garage
- Detached garage

Other (describe) Non Permanent car Port Garage

Existing Use (circle one): residential, non-residential, mixed use, vacant ground

Proposed Use (circle one): residential, non-residential, mixed use

Other: _____

If non-residential or mixed use, describe in detail:

Section(s) of City Code for which variance is being requested:

5.02.C.3C/5.02.B.2
4.03.A.7 / 5.02 "C" / 5.02.C.2B/5.02.C.2a

What is the variance request?

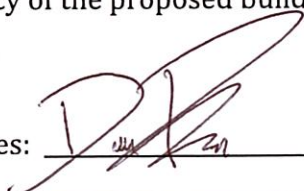
5-2 14.03.A.3/4.03.A.5/5.02.C.3a
Authorization for carport existing

What circumstances justify the proposed variance?

Personal vehicle use protecting from theft, vandalism
& belongings, been existing for 10 years.

The applicant hereby certifies that the above information, along with the attached plans and project descriptions, is correct. The applicant agrees to comply with the provisions of the zoning ordinances, building code and all other applicable sections of the City Code, Land Use Code, City Plan and all other laws and ordinances affecting the construction and occupancy of the proposed building.

Signatures: _____



Date: _____

8-10-23

Office Use Only

Date application fee paid: _____ Date complete application submitted _____

Date of variance hearing: _____ Variance: approved denied

Notes/conditions: _____

PROJECT DESCRIPTION

I am asking for a variance for my existing as of 10 years carport. I had eagle carports certified builders come to install carport at the property of 1206 lancaster ct. eagle had told me it was not a permanent structure and was not required for a building permit. The carport has no foundation and is held down by upgraded hurricane mobile home anchors. I upgraded the anchors from rebar ties to the mobile home anchors. I also did the 2' snow load structure bracing across the entire roof. I am more then willing to comply with city of ft. lupton on the firewall on east side of structure. My dad has been the only owner of the property since purchased in 1995. We have had all building permits done on privacy fence, detached garage, and any other residential upgrades. We/I truly had no reason to go behind city code and not follow code requirements. Eagle carports had certified builders and reviews on work and compliance. I fully trusted them as needed as company to do the correct proposal and job. Also as to why I did upgrades as needed for Colorado weather. I use the carport for my personal truck that gets me to and from work. And protected from theft and vandalism. I also complied with city of ft. lupton on ilc certificate meeting the desired times and requests. I am also willing to comply with the fire wall that would be needed if variance is granted to property owners. We did find out with ilc that carport is not higher then peak of house and is under square footage for code. Also car port is inside of property stakes.

Sincerely,

Derek bejarano

720-297-6835

Added General Info

9-7-23

Carport Matches Exact color of House
trim + Siding color,

When home was appraised For total
Value Carport was a added parking/storage
to residential home value.

added value to home/could be used as
temp RV Storage.

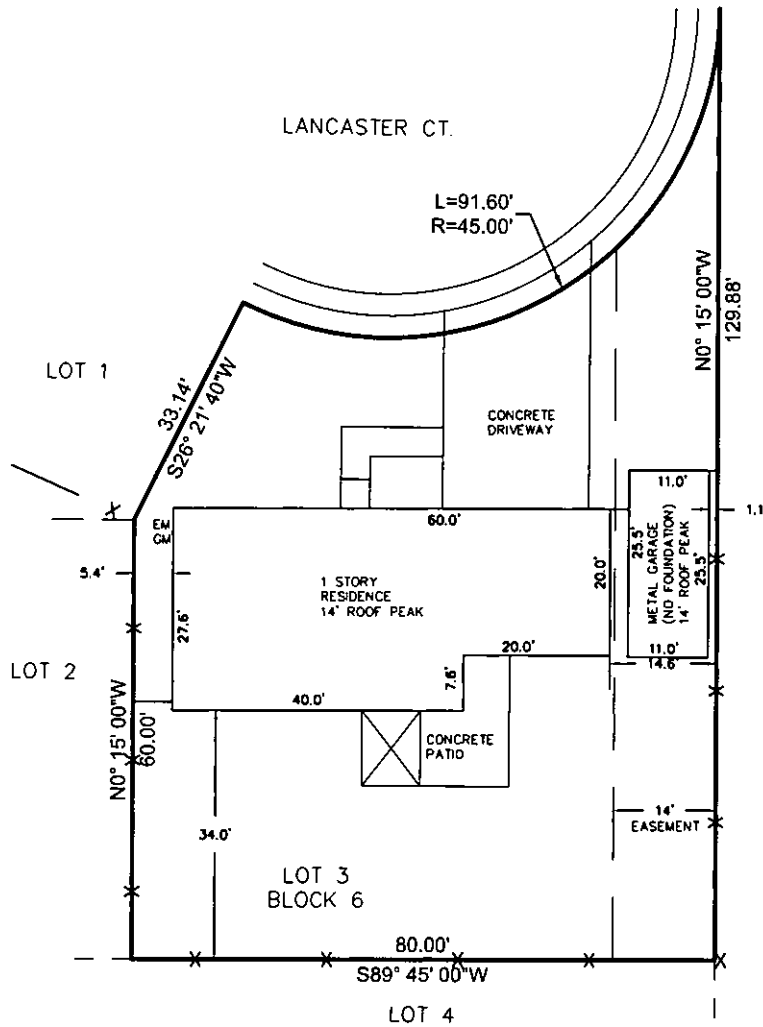
the carport makes house look clean
an just as maintained as house.

worked hard to comply with city of
Ft. Lupton + would not be doing this if
Eagle carport would have pulled for codes

Thank Everyone who has been involved
with this + helping me

IMPROVEMENT LOCATION CERTIFICATE

1206 LANCASTER CT., FT. LUPTON, CO 80621
THIS IS NOT A LAND SURVEY PLAT



IMPROVEMENT LOCATION CERTIFICATE

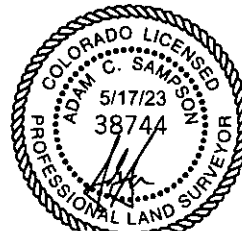
I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR RICK BEJARANO THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THIS CERTIFICATE IS VALID ONLY FOR USE BY RICK BEJARANO AND DESCRIBES THE PARCEL'S APPEARANCE ON 5/15/23. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, 5/15/23, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

NOTES:

- 1) THIS CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY COLORADO ILC SERVICES INC., TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCUMBRANCES NOT SHOWN BY THE PLAT THAT MAY AFFECT THIS TRACT OF LAND. THERE MAY BE EASEMENTS OF RIGHTS OF WAY OF THE PUBLIC RECORD THAT MAY AFFECT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE.
- 2) OWNERSHIP OF FENCES WAS NOT DETERMINED BY THE SURVEYOR.
- 3) ILC IS BASED ON LINES OF POSSESSION AND R.O.W.'S AS SHOWN. ACCORDING TO MY INTERPRETATION OF COLORADO LAW, A BOUNDARY SURVEY IS RECOMMENDED, WHICH MAY PRODUCE A DIFFERENT RESULT.
- 4) ILC IS DRAWN USING PLATTED BEARINGS AND DIMENSIONS. ALL TIES SHOWN TO THE PROPERTY LINES ARE MORE OR LESS. FENCE LOCATIONS DEPICTED ARE NOT TO A BOUNDARY SURVEY STANDARD.

LEGAL DESCRIPTION:

LOT 3, BLOCK 6, LANCASTER NORTH ADDITION 5TH FILING, COUNTY OF WELD, STATE OF COLORADO



Adam C. Sampson
Date: 2023.05.17 10:48:59 -06'00'

Colorado ILC LAND SURVEYING			JOB NUMBER	
			23-5-405	
DATE PREPARED: 5/17/23	3000 LAWRENCE ST. #111 DENVER, CO 80205 303.668.7540	DRAWN BY: A. SAMPSON		

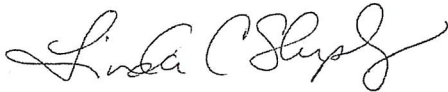
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

City of Fort Lupton Legals***
130 S McKinley Avenue
Fort Lupton CO 80621

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 12/21/2023, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



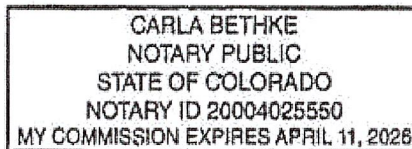
For the Fort Lupton Press

State of Colorado }
County of Arapahoe } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 12/21/2023. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20004025550-520090

Carla Bethke
Notary Public
My commission ends April 11, 2026



Public Notice

CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a **Variance** referred to as the Bejarano Variance, located at 1206 Lancaster Court in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the **Board of Adjustment on Thursday, January 11, 2023, immediately following the Planning Commission Meeting at 6:00 P.M.**

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (303) 857-6694.

ALL INTERESTED PERSONS MAY ATTEND.

LEGAL DESCRIPTION

LOT 3, BLOCK 6, LANCASTER NORTH
ADDITION 5TH FILING, COUNTY OF WELD,
STATE OF COLORADO

Legal Notice No. FLP983
First Publication: December 21, 2023
Last Publication: December 21, 2023
Publisher: Fort Lupton Press



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on **the 27th day of December, 2023**, a true and correct copy of the foregoing Notice of Public Hearings for the **Bejarano Variance** was sent via United States Mail, postage pre-paid, to the following addresses:

LUNA CHRISTINA
1119 LANCASTER AVE
FORT LUPTON, CO 806212722
MENDEZ WILBERT IZQUIERDO
1011 PLATTE DR
FORT LUPTON, CO 806212713
PIXTON ROSEMARIE
1012 TRAPPER DR
FORT LUPTON, CO 806212722
ABSHIRE PATRICIA SUZANNE
1013 TRAPPER DR
FORT LUPTON, CO 806212721
LEBLANC JUDY
1104 LANCASTER AVE
FORT LUPTON, CO 806212507
COUTERMASH WILLIAM A II
1110 LANCASTER AVE
FORT LUPTON, CO 806212507
HERRERA ANA CLAUDIA MARTINEZ
1121 LANCASTER AVE
FORT LUPTON, CO 806212546
MARIN JOSE GABRIEL RODRIGUEZ
1200 LANTERN DR
FORT LUPTON, CO 806212727
GARDNER GENE H
1203 LONGVIEW DR
FORT LUPTON, CO 806212542
LOZANO-YANEZ JOSE LUIS
1205 LANCASTER CT
FORT LUPTON, CO 806212700
PACKINGHAM RICK E
1207 LANCASTER CT
FORT LUPTON, CO 806212700
CASTILLO ELIAS
1210 LANCASTER AVE
FORT LUPTON, CO 806212737
SOTELO JAVIER
1302 LANCASTER AVE
FORT LUPTON, CO 806212741
MONTROYA ELIJAH ABBOTT
1400 9TH ST, LOT 106
FORT LUPTON, CO 806212558
VALTIERRA ABEL
1401 9TH ST LOT 142
FORT LUPTON, CO 806212558

MC WILLIAMS R MICHAEL
1010 TRAPPER DR
FORT LUPTON, CO 806212722
ZAVALA MARICSA C
1011 TRAPPER DR
FORT LUPTON, CO 806212721
MOWRY BONNIE
1013 PLATTE DR
FORT LUPTON, CO 806212713
TRUJILLO ASHLEY
1015 TRAPPER DR
FORT LUPTON, CO 806212721
MOORE DANA T
1109 LANCASTER AVE
FORT LUPTON, CO 806212546
RODRIGUEZ JEREMY JACINTO
1117 LANCASTER AVE
FORT LUPTON, CO 806212546
SANTIBANEZ FRANCISCO VALTIERRA
1123 LANCASTER AVE
FORT LUPTON, CO 806212546
ROMERO MARIA ELENA
1202 LANTERN DR
FORT LUPTON, CO 806212727
TORRES SUA J
1204 LANCASTER CT
FORT LUPTON, CO 806212739
BEJARANO RICK
1206 LANCASTER CT
FORT LUPTON, CO 806212739
JACOBO EMILIANA
1209 LANCASTER CT
FORT LUPTON, CO 806212740
LUEVANO JULIE A
1212 LANCASTER AVE
FORT LUPTON, CO 806212737
CASTILLO MARIA D L CARBAJAL
1400 9TH ST LOT 143
FORT LUPTON, CO 806212558
LOZOYA RODRIGUEZ LARISSA
1401 9TH ST LOT 141
FORT LUPTON, CO 806212558
BENITEZ FABIAN J
1401 9TH ST LOT 144
FORT LUPTON, CO 806212558



TRAPP T W PARTNERSHIP
1812 W BURBANK BLVD STE 912
BURBANK, CA 915061315
CASTILLO IMELDA CASTILLO DE
8391 COUNTY ROAD 41
FORT LUPTON, CO 806219117

HERRERA JOSE ARMANDO
307 DEXTER ST
FORT LUPTON, CO 806211328
LUNA LIDIA
916 LANCASTER AVE
FORT LUPTON, CO 806212504

Magaly Morales-Tejada
City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 303.857.6694
Fax: 303.857.0351

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Further information is available through the City Planning and Building Department at (303) 857-6694

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/fldevelopment) AND SCROLLING DOWN TO THE ROW TITLED: **BEJARANO VARIANCE**

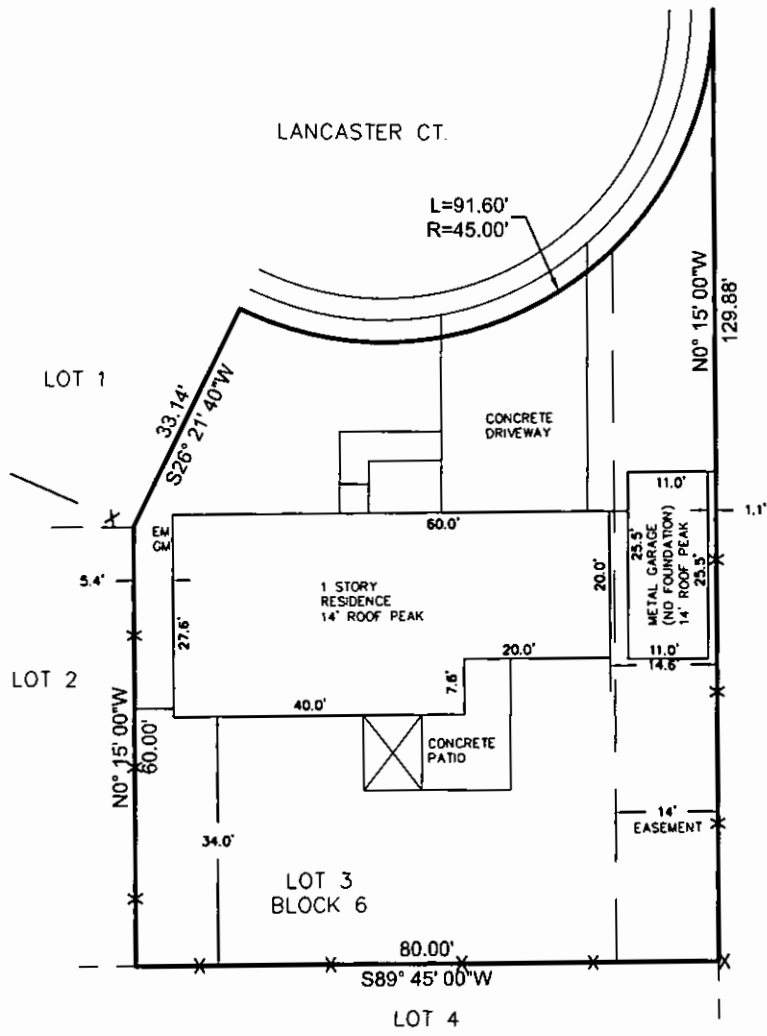
ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

LOT 3, BLOCK 6, LANCASTER NORTH ADDITION 5TH FILING. COUNTY OF WELD, STATE OF COLORADO

IMPROVEMENT LOCATION CERTIFICATE

1206 LANCASTER CT., FT. LUPTON, CO 80621
THIS IS NOT A LAND SURVEY PLAT



IMPROVEMENT LOCATION CERTIFICATE

LEGAL DESCRIPTION:

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR RICK BEJARANO THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THIS CERTIFICATE IS VALID ONLY FOR USE BY RICK BEJARANO AND DESCRIBES THE PARCEL'S APPEARANCE ON 5/15/23. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, 5/15/23 EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

LOT 3, BLOCK 6, LANCASTER NORTH ADDITION 5TH FILING, COUNTY OF WELD, STATE OF COLORADO

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Adam C. Sampson
Date: 2023.05.17 10:48:59 -06'00'

Colorado ILC		JOB NUMBER	
		23-5-405	
DATE PREPARED: 5/17/23	3000 LAWRENCE ST. #111 DENVER, CO 80205 303.668.7540	DRAWN BY: A. SAMPSON	



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

Sign Posting Affidavit

Bejarano Variance

Project No. VAR2023-001



Facing North/West towards Lancaster Ct.

I, Derek Bejarano hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 29 day of December, 2024.

[Signature]

Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Derek Bejarano, this 3rd day of January, 2024. Witness my hand and seal.