

PROJECT: 1101 West Oak Street – Accessory Building with Habitable Space,
Project Development Plan (PDP) – #22-09

APPLICANT: Rick Foerster
5774 S Kittredge Street
Centennial, CO 80015

OWNER: Eric and Catherine Gootee
1101 W Oak Street
Fort Collins, CO

PROJECT DESCRIPTION:

This is a request for an accessory structure with habitable space located on the rear of a lot at 1101 West Oak Street. This structure will be used as a garage and workshop; the reason it is considered to have “habitable space” is because it will have water and sewer lines extended to the structure. The property is located in the Neighborhood Conservation Low Density (NCL) zone district. The proposed use is permitted in the NCL zone district subject to administrative review (Land Use Code, Section 4.7(B)(2)(c)1).

RECOMMENDATION: Approval of Modification of Standard Request
Approval of PDP

EXECUTIVE SUMMARY:

The 1101 West Oak Street, Accessory Building with Habitable Space, PDP complies with the applicable requirements of the *Land Use Code (LUC)*, more specifically:

- the process located in *Division 2.2 - Common Development Review Procedures for Development Applications of ARTICLE 2 - ADMINISTRATION*;

- the standards located in *Division 3.2 - Site Planning and Design Standards*; *Division 3.3 - Engineering Standards*; *Division 3.4 - Environmental, Natural and Cultural Standards*; and *Division 3.5 - Building Standards* of **ARTICLE 3 - GENERAL DEVELOPMENT STANDARDS**; and
- the proposed accessory building with habitable space is permitted in *Division 4.7 - Neighborhood Conservation, Low Density District (NCL) of ARTICLE 4 - DISTRICTS*, subject to an administrative review.
 - The applicant is requesting a Modification of Standard to Section 4.7(D)(3) of the LUC, which limits the square footage of an accessory structure to 600 square feet (s.f.). The applicant is proposing a 650 s.f. structure.

COMMENTS:

1. Background

The surrounding zoning and land uses are as follows:

- N: NCL; existing single-family residential
- S: NCL; existing Poudre R-1 School District (Lab School for Creative Learning)
- E: NCL; existing single-family residential
- W: NCL; existing single-family residential

This property was annexed and platted as Lot 17 of Block 7 of the Scott Sherwood Subdivision Plat in 1907.

2. ARTICLE 3 - General Development Standards

The 1101 West Oak Street Accessory Building with Habitable Space, PDP complies with all of the applicable standards in Article 3 - General Development Standards of the LUC. Of specific note are Division 3.2 - Site Planning and Design Standards; Division 3.3 - Engineering Standards; and Division 3.5 Building Standards. Further discussions of these particular standards follow.

A. **Division 3.2 - Site Planning and Design Standards**

1. *Section 3.2.1 - Landscaping and Tree Protection*

The proposal complies with Section 3.2.1(E)(2) *Landscape Area Treatment* in that the Landscape Plan provides for landscaping in the areas that are not covered by the building or paving. The existing mature tree will remain on the site and the landscaping around the accessory building with habitable space will include irrigated turf and existing shrubs.

2. *Section 3.2.2 – Access, Circulation and Parking*

The proposal complies with Section 3.2.2(K)(1) *Residential Parking Requirements*, in that it provides a minimum of one off-street parking space since the lot has more than 40 feet of street frontage. Two parking spaces will be provided within the accessory building with habitable space.

B. Division 3.3 - Engineering Standards

The proposal complies with the design standards, requirements, and specifications for the services as set forth in this section of the *LUC*.

C. Division 3.5 - Building Standards

1. *Section 3.5.1 - Building and Project Compatibility*

The proposed new accessory building with habitable space is to be 22 feet in height. The size, massing, height and design of the building are consistent with other accessory buildings in the neighborhood.

3. ARTICLE 4 - Districts

A. Division 4.7 – Neighborhood Conservation Low Density District

Accessory Buildings with Habitable Spaces are permitted in the NCL – Neighborhood Conservation Low Density Zoning District, subject to an administrative (Type 1) Review. The NCL District is:

“intended to preserve the character of areas that have a predominance of developed single-family dwellings and have been given this designation in accordance with an adopted subarea plan.”

This proposal complies with the purpose of the NCL District as it is an infill project with an accessory habitable building designed to complement and serve the existing residence.

1. *Section 4.7(D) – Land Use Standards*

The proposed accessory building with habitable space will contain 650 feet of floor area. Per *Section 4.7(D)(3) – Accessory Buildings with Habitable Space*, 600 square feet is the maximum floor area permitted for Accessory Buildings with Habitable Spaces located behind a street-fronting principal building. The applicant has submitted a Modification of Standard Request to this requirement. This will be discussed further in a subsection B of this section.

This proposal complies with *Section 4.7(D)(5) - Floor Area Ratio*, in that the Floor Area Ratio (FAR) on the rear fifty percent of the lot is 0.137, and the maximum FAR permitted on the rear fifty percent of the lot is 0.33.

2. *Section 4.7(E) – Dimensional Standards*

This proposal satisfies all applicable dimensional standards in the NCL District, more specifically the minimum side yard and rear yard setback requirements described in *Section 4.7(E)(3) and (4)*, and the maximum building height of one and one-half (1 ½) story, per *Section 4.7(E)(5)*.

3. *Section 4.7(F) – Development Standards*

This proposal satisfies all applicable development standards in the NCL District, described in detail below.

A. *Building Design*

The accessory building with habitable space design complies with the minimum front yard setback specified in *Section 4.7(F)(1)(c)*, as well as the roof pitch as described in *Section 4.7(F)(1)(g)*.

B. *Bulk and Massing*

Maximum building height per *Section 4.7(F)(2)(a) – Building Height* is 1 ½ stories (24 feet) for accessory building with habitable space. The proposed accessory building with habitable space is 22 feet height and is one and one-half story.

Per *Section 4.7(F)(2)(b)(1) – Eave Height*, the exterior eave height will not exceed thirteen feet from grade. The proposed accessory building with habitable space will have an eave height of 13 feet from grade.

C. *Carriage Houses and Habitable Accessory Building with Habitable Spaces*

The proposed accessory building with habitable space will contain habitable space as water and sewer service will be extended from the existing residence. Habitable space does not mean a dwelling unit, but rather space intended to serve for human occupancy. The proposed accessory building with habitable space will be used for a garage, storage and a workshop area.

This proposal complies with the standards in *Section 4.7(F)(3)(c)*, in that a separate yard area containing at least 120 s.f. is provided for the

accessory building, separate from that of the primary structure; the major entries and windows do not face an abutting side or rear yard; and existing significant trees will be maintained.

B. Request for Modification of Standard

As specified in Section 2.8.2 **Modification Review Procedures**, (H) (Standards), the Administrative Hearing Officer may grant a modification of standards only if he/she finds that the granting of the modification would not be detrimental to the public good.

1. The applicant is requesting a Modification of Standard to Section 4.7(D)(3), which requires accessory building with habitable space have a maximum floor area of 600 s.f. The applicant is requesting an additional floor area of 50 s.f. for a staircase that accesses a loft storage space.

Applicants Justification:

This application is a request to allow a modification to the allowable square footage for a new 2-car detached garage, with storage and habitable space in the attic above, at 1101 W. Oak Street, in Fort Collins.

Division 4.7, (D), (3) Accessory Buildings with Habitable Space (or Potential Future Habitable Space) of the Fort Collins Land Use Code, states that the maximum allowable square feet of floor area, shall be no greater than six hundred (600).

The owners are requesting permission to increase the allowable square footage by fifty (50) square feet at the ground (garage floor) level. The additional square footage is created by increasing the front to back dimension of the garage by two (2) feet. Doing so will not prohibit the ability to provide at least one-hundred twenty (120) square feet of yard area that serve both the detached garage and the existing principle dwelling according to Division, 4.7, (F), (3), (c), 1 of the Fort Collins Land Use Code and in no case is the rear yard area any less than ten (10) feet, in the smallest dimension, between the home and the garage. The upper floor (attic) space contains 300 square feet where the ceiling height is 7 ½ feet high.

Approval of this modification request will allow for a standard twenty (20) foot parking space within the garage and enough room for the stairway to the attic space above. At the same time, this added depth will ensure the ability to maneuver around the parked vehicles in the garage. Please refer to the attached drawings submitted.

A large garage just west of this site has been constructed, presumably before the current standards were adopted; however, it is deemed that this proposed request is a minimal increase to the current limitations. The new 2-car detached garage will be an attractive addition to the property and will complement the primary residence. The siding and trim will be painted to match the existing colors of the home. The roofing material will also match the home.

Review of Modification Criteria – Section 2.8.2(H):

The citation for the applicable review criteria for a Modification is as follows:

“(H) Step 8 (Standards): Applicable, and the decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:

(4) The plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2

Staff's Evaluation of Applicant's Request

Staff has evaluated the applicant's request against the criteria provided in Section 2.8.2(H) of the LUC. Staff finds that the applicant's request to increase the floor area of the proposed accessory building with habitable space by 50 s.f. is “nominal and inconsequential” when “considered from the perspective of the entire development.” Therefore, Staff recommends approval of this Modification of Standard Request.

4. West Side Neighborhood Plan

The property at 1101 West Oak Street is identified in the *West Side Neighborhood Plan* as an area to retain or convert to single family residential. This property will continue to serve as a single family residence. The accessory building with habitable space will be used as a garage and workshop. This proposal complies with the land use vision for the Single Family Area in that, while it is new construction, it is intended as an accessory use to serve the existing single-family residence. The character and architectural style of the building will mimic the existing historic “barns,” or accessory structures, along the alleys in this neighborhood. The accessory building with habitable space will not be a dwelling unit, and accessory uses are stated as suitable land uses in this area.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the 1101 West Oak Street Accessory Building with Habitable Space Project Development Plan, #22-09, Staff makes the following findings of fact and conclusions:

1. The proposed land use is permitted in the *NCL – Neighborhood Conservation, Low Density Zone District* of the *Land Use Code*.
2. The Project Development Plan complies with all applicable General Development Standards contained in *Article 3* of the *Land Use Code*.
3. The Project Development Plan complies with all applicable Land Use and Development Standards contained in *Article 4, Division 4.7* of the *Land Use Code*, with the exception of:
 - *Section 4.7(D)(3) Accessory Buildings with Habitable Space (or Potential Future Habitable Space)*
4. A Modification of Standard is requested for Section 4.7(D)(3), Staff recommends approval of this request.
5. The proposal is in conformance with the City's adopted *West Side Neighborhood Plan*.

RECOMMENDATION:

Staff recommends the following:

- Approval the Modification of Standard Request to Section 4.7(D)(3), and
- Approval of the 1101 West Oak Street Accessory Building with Habitable Space, Project Development Plan – #22-09.