



**CITY OF FORT COLLINS  
ADMINISTRATIVE HEARING OFFICER  
TYPE I ADMINISTRATIVE HEARING  
FINDINGS, CONCLUSIONS AND DECISION**

**ADMINISTRATIVE HEARING DATE:** March 28, 2006

**PROJECT NAME:** 1020 West Prospect Road Boarding House Project Development Plan

**CASE NUMBER:** #44-05

**APPLICANT:** Kris Ticnor  
305 W. Magnolia Ave. #178  
Fort Collins, CO 80521

**OWNER:** Richard Taranow  
32731 Granada Hills  
Fort Collins, CO 80525

**HEARING OFFICER:** Cameron Gloss  
Current Planning Director

**PROJECT DESCRIPTION:**

The Applicant has submitted a request to convert a single family house into a 6-person boarding house. There are no changes proposed to the building or site. The property is located on the north side of West Prospect Road just east of South Shields Street.

**SUMMARY OF HEARING OFFICER DECISION:** Approval

**ZONING DISTRICT:** High Density Mixed Use Neighborhood- H-M-N.

**STAFF RECOMMENDATION:** Approval

**NOTICE OF PUBLIC HEARING:** Evidence presented to the Hearing Officer established no controversy or facts to refute that the hearing was properly posted, legal notices mailed and notice published.

## **PUBLIC HEARING**

The Hearing Officer, presiding pursuant to the Fort Collins Land Use Code, opened the hearing at approximately 3:00 PM on March 28, 2006 in Conference Room A at 281 N. College Avenue, Fort Collins, Colorado.

### **HEARING TESTIMONY, WRITTEN COMMENTS AND OTHER EVIDENCE:**

The Hearing Officer accepted during the hearing the following evidence: (1) Planning Department Staff Report; and (2) an application, plans, maps and other supporting documents submitted by the applicant and the applicant's representatives to the City of Fort Collins. The LUC, the City's Comprehensive Plan (City Plan), and the formally promulgated policies of the City are all considered part of the evidence considered by the Hearing Officer.

The following is a list of those who attended the meeting:

From the City:

Shelby Sommer, Associate Planner

From the Applicant:

Kris Ticnor

From the Public:

None.

Written Comments:

None.

## **FACTS AND FINDINGS**

### **1. Site Context**

The surrounding zoning and land uses are as follows:

N: H-M-N; Single-family residential  
S: M-M-N; Single-family residential  
E: H-M-N; Single Family residential  
W: H-M-N; NCB Single-family residential and commercial

This property was annexed into the City as part of the West Prospect Consolidated Annexation in 1957 and platted as part of the Woods Resubdivision approved in 1958.

The development application was submitted on November 8, 2005 prior to City Council's adoption of Ordinance 123, 2005 on November 15, 2005, which made amendments to the Land Use Code related to residential occupancy limits, including boarding houses. Therefore, the application is subject to Land Use Code standards applicable prior to these 2005 amendments.

**2. Compliance with Article 4 and the HMN Zoning District Standards:**

The Project Development Plan complies with all applicable requirements of Article 4 and the HMN zone district. The Staff Report summarizes the PDP's compliance with these standards and no specific evidence was presented to contradict or otherwise refute the compliance with Article 4 or the HMN District Standards. In particular, the proposed boarding house is permitted within the HMN zone district subject to an administrative review.

**3. Compliance with Article 3 of the Land Use Code – General Development Standards**

The proposed three off-street parking spaces complies with the standards found in Section 3.2.2 (K) (2) (e) that were in effect at the time of the development application.

The existing building fails to comply with the 30 foot setback from an arterial street right-of-way; however, since this is an existing condition, and no physical changes to the site or building are part of the application, a legal, non-conforming condition has been established with respect to the building setback.

There was no evidence introduced at the hearing to contradict the Staff Report; therefore, the Hearing Officer finds that the Project Development Plan is in conformance with the applicable requirements found in Article 3 of the Land Use Code.

### SUMMARY OF CONCLUSIONS

- A. The 1020 West Prospect Road Boarding House Project Development Plan is subject to administrative review and the requirements of the Land Use Code (LUC).
- B. The 1020 West Prospect Road Boarding House Project Development Plan satisfies the development standards of the HMN zoning district.
- C. The 1020 West Prospect Road Boarding House Project Development Plan complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

### DECISION

The 1020 West Prospect Road Boarding House Project Development Plan, #44-05, is hereby approved by the Hearing Officer without condition.

Dated this 28th day of March 2006, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.

  
Cameron Gloss  
Current Planning Director