

**CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING**

FINDINGS AND DECISION

HEARING DATE: Wednesday, December 3, 2014

PROJECT NAME: Boughton House Subdivision Modification of Standard

CASE NUMBER: MOD #140002

APPLICANT/OWNER: Randy Everett
113 North Sherwood Street
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a stand-alone Modification of a standard in the Neighborhood Conservation Medium Density (N-C-M) zone district, specifically the dimensional lot width standard set forth in Land Use Code Section 4.8(E)(1), which requires a minimum lot width of forty feet (40’).

The request has been submitted in advance of a formal request to subdivide the existing lot owned by the Applicant (containing approx. 0.72 acres) into two (2) lots.

Parcel 1 (proposed) would be approximately 15,255 in area and would be twenty seven feet (27’) wide in the front portion (abutting North Sherwood Street), widening to forty feet (40’) in the middle portion of the proposed lot and ultimately to approximately one hundred and fifteen feet (115’) in the rear portion of the proposed lot.

Parcel 2 (proposed) would be approximately 16,035 in area and is the lot on which the existing historic single family home would remain.

The Subject Property is a historic single family residential property located at 113 North Sherwood Street, in the older West Side Neighborhood near downtown Fort Collins. The Subject Property is located west of North Sherwood Street, north of West Mountain Avenue, south of Laporte Avenue, and east of North Whitcomb Street.

The Subject Property contains an existing historic single family house and associated outbuildings and structures, known as the “Boughton House.”

The historical property contains an accessory barn building with habitable space in the rear of the lot, and a root cellar building. The existing single family home would remain on one of the lots, specifically Parcel 2. The barn building would remain on the other lot, Parcel 1, to enable separate sale and conversion to a single family dwelling. As demonstrated in the application materials, Parcel 1 and Parcel 2 would each have their own driveway access.

The Applicant has not yet formally submitted a project development plan (“PDP”) to the City.

However, the Applicant has submitted a conceptual plan for the Boughton House Subdivision Modification (the “Plan”) to City Staff. The Plan was presented to the Hearing Officer at the December 3, 2014 public hearing.

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: N-C-M (Neighborhood Conservation Medium Density District).

HEARING: The Hearing Officer opened the hearing at approximately 5:00 p.m. on December 3, 2014, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; (2) PowerPoint presentation prepared by Staff including multiple photographs of the subject property; (3) Block Context Plan and Sketch Plan submitted by the Applicant; (4) affidavit of publication dated November 25, 2014, confirming publication of the notice of public hearing in the Fort Collins Coloradoan on November 25, 2014; and (5) notice of public hearing dated November 18, 2014. In addition, the City’s Land Use Code (“Code”), the Comprehensive Plan and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified at the hearing:

From the City: Clark Mapes, AICP, City Planner

From the Applicant: Randy Everett

From the Public: Chet Wisner, 508 West Mountain Avenue

Jim Kelly, 430 West Mountain Avenue (email comment submitted to City Staff on October 27, 2014)

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. The Subject Property, located at 113 North Sherwood Street and consisting of approximately 0.72 acres, is situate in a neighborhood that has primary dwellings units located behind existing dwellings units, some on existing flag lots.
3. The Subject Property is known as the Boughton House property and is a prominent historic resource in Fort Collins.
4. The large Queen Anne style home located on Subject Property was constructed in or about 1894, with the barn/summer house building added within a decade.

5. The Subject Property includes two gravel driveways, one to the main house and one to the barn/summer house in the rear of the existing lot.
6. The Staff Report identifies the Subject Property as being listed in the National Register of Historic Places. The Applicant confirmed this fact at the December 3, 2014 public hearing.
7. The Hearing Officer evaluated the request based on findings required under Section 2.8 of the Land Use Code governing Modification decisions.
8. During the Applicant's presentation, the Applicant informed the Hearing Officer that the property was owned by Jay H. Boughton, who was admitted to the bar in 1870. Upon relocating to Fort Collins in the late nineteenth century, Mr. Boughton served as the county attorney, the county judge, the President of the Board of Education and also served as an alderman and member of the Fort Collins City Council.
9. The Hearing Officer finds that the problems and issues of substandard lot width, and flag lots in generally, are adequately addressed and resolved in this case.
10. The Subject Property is located within a unique block that has already been subdivided and developed with rear dwellings and flag lots, unlike any other block in the immediate neighborhood of the Subject Property.
11. Based on testimony provided at the public hearing and a review of the materials submitted to the Hearing Officer in this case, the Hearing Officer concludes that the Modification of Standard (for Section 4.8(E)(1) of the Land Use Code) meets the applicable requirements of Section 2.8.2(H) of the Code. Specifically, the Hearing Officer finds as follows:
 - a. The requested Modification of Standard is not detrimental to the public good.
 - b. The Modification satisfies Section 2.8.2(H)(1) of the Code – the Plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested.

DECISION

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

1. The Request for Modification of Standard 4.8(E)(1) is approved for the Subject Property, subject to the following conditions:
 - a. The Modification shall be applicable to the Subject Property exclusively.
 - b. The Applicant shall submit a PDP within one (1) year following the date of this decision. If Applicant fails to submit a PDP to the City within said one (1) year period, this Modification shall automatically expire in accordance with Section 2.8.2(K) of the Land Use Code.

c. If the Applicant submits a PDP to City Staff within one (1) year of this decision, the same shall, consistent with the Plan, propose not more than two (2) single family detached lots.

d. The PDP shall be reviewed against the applicable District standards set forth in Division 4.8 of the Code and all applicable General Development Standards set forth in Article 3 of the Code, including but not limited to the Historic and Cultural Resource Standards set forth in Section 3.4.7 of the Code (“Historic and Cultural Resources”).

e. The PDP shall contain a note requiring that any future single family dwelling unit located on Parcel 1 (the proposed flag lot) will be required to have a fire sprinkler system installed, which system shall be reviewed and approved in advance by an authorized representative of the Poudre Fire Authority.

f. The PDP shall contain a note requiring that any and all future exterior improvements to the Subject Property, including but not limited to the existing single family home located on Parcel 2 and the barn/summer house located on Parcel 1, shall be required to obtain a report of acceptability from the City’s Landmark Preservation Commission.

g. As the Subject Property is designated on the National Register of Historic Places, the Subject Property remains subject to all requirements and provisions of Chapter 14 of the Fort Collins Municipal Code.

2. For the limited purpose of any subsequent review of the PDP submitted by the Applicant for the Subject Property, the dimensional lot width standard set forth in Land Use Code Section 4.8(E)(1), which requires a minimum lot width of forty feet (40’), shall be amended to allow for a minimum lot width of twenty seven feet (27’). This modification to the lot width standard shall be applicable to Parcel 1 only, as shown in the conceptual Plan reviewed at the hearing.

DATED this 16th day of December, 2014.



Marcus A. McAskin
Hearing Officer

Boughton House Subdivision Modification of Standard - MOD140002

December 3, 2014 5:00 p.m. – Conference Room A - D

Sign-In Sheet

Please Print Name/Address Legibly – we will mail a copy of the hearing decision report to those that print legible names and addresses

<u>Name (Please Print)</u>	<u>Address</u>	<u>Phone</u>	<u>E-mail</u>
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