



Ralph Shields, Chair
Shelley LaMastra, Vice Chair
David Lawton
John McCoy
Taylor Meyer
Ian Shuff
Butch Stockover

Council Liaison: Ross Cunniff
Staff Liaison: Noah Beals

LOCATION:

Meeting will be held virtually

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

REGULAR MEETING
AUGUST 13, 2020
8:30 AM

Participation for this remote Zoning Board of Appeals meeting will be available online or by phone. No one will be allowed to attend in person.

Public Participation (Online): Individuals who wish to address the Zoning Board of Appeals via remote public participation can do so through Zoom at <https://zoom.us/j/95265992397>. Individuals participating in the Zoom session should also watch the meeting through that site.

The meeting will be available to join beginning at 8:15 a.m. on July 9, 2020. Participants should try to sign in prior to 8:30 a.m. if possible. For public comments, the Chair will ask participants to click the "Raise Hand" button to indicate you would like to speak at that time. Staff will moderate the Zoom session to ensure all participants have an opportunity to address the Board or Commission.

In order to participate:

Use a laptop, computer, or internet-enabled smartphone. (Using earphones with a microphone will greatly improve your audio).

You need to have access to the internet.

Keep yourself on muted status.

If you have any technical difficulties during the hearing, please email kscheidenhelm@fcgov.com.

Public Participation (Phone): If you do not have access to the internet, you can call into the hearing via phone. The number to dial is 253 215 8782 or 669 900 9128, with webinar ID: 952 6599 2397.

(Continued on next page)

The meeting will be available beginning at 8:15 a.m. Please call in to the meeting prior to 8:30 a.m., if possible. For public comments, the Chair will ask participants to click the “Raise Hand” button to indicate you would like to speak at that time – phone participants will need to hit *9 to do this. Staff will be moderating the Zoom session to ensure all participants have an opportunity to address the Committee. Once you join the meeting: **keep yourself on muted status.** If you have any technical difficulties during the hearing, please email kscheidenhelm@fcgov.com.

Documents to Share: If residents wish to share a document or presentation, the Staff Liaison needs to receive those materials via email by 24 hours before the meeting.

Individuals uncomfortable or unable to access the Zoom platform or unable to participate by phone are encouraged to participate by emailing general public comments you may have to nbeals@fcgov.com. The Staff Liaison will ensure the Board or Commission receives your comments. If you have specific comments on any of the discussion items scheduled, please make that clear in the subject line of the email and send 24 hours prior to the meeting.

As required by City Council Ordinance 079, 2020, a determination has been made by the chair after consultation with the City staff liaison that conducting the hearing using remote technology would be prudent.

- **CALL TO ORDER and ROLL CALL**
- **APPROVAL OF MINUTES FROM PREVIOUS MEETING**
- **CITIZEN PARTICIPATION (Items Not on the Agenda)**
- **APPEALS FOR VARIANCE TO THE LAND USE CODE**

1. APPEAL ZBA200009

Address: 144 2nd St.
Owner/Petitioner: Michael Rossman
Zoning District: R-L
Code Section: 3.8.19(A)(6); 4.4(D)(2)(d)

Project Description:

The variance request is for an addition to the existing structure. The addition requires the following two variances:

1. A 2 foot encroachment into the required 5 foot side-yard setback
2. A 6 inch encroachment for a required 2.5 foot setback for an eave.

2. APPEAL ZBA200027

Address: 2301 Limousin Ct.
Owner/Petitioner: Derek Smith
Zoning District: R-L
Code Section: 3.8.11(C)(1); 3.8.11(C)(2)

Project Description:

This request is to build a 6 foot tall fence between the front of the building and front property line. The maximum height allowed in the front yard is 4 feet.

3. APPEAL ZBA200028

Address: 4610 Player Dr.
Owner: Dan and Brianna Brown
Petitioner: Jeff Hansen
Zoning District: U-E
Code Section: 3.5.2(E)(5)

Project Description:

This is for a variance to build an 852 square foot addition to the existing 768 square foot garage for a total of 1620 square feet, 420 square feet over the allowed 1200 square feet.

4. APPEAL ZBA200029

Address: 320 Willow St
Owner/Petitioner: Lance DeBar
Zoning District: D
Code Section: 4.16(B)(1)

Project Description:

In October of 2018 the Zoning Board of Appeals approved a variance request to rebuild a shed in its existing location. The structure was not built before the approval expired. Since the last approval the property was re-zoned and the required setbacks changed. This is an application for the same location that was previously approved. The variance will allow a 4 foot encroachment into the required 5 foot rear yard setback.

5. APPEAL ZBA200030

Address: 2720 Nottingham Sq.
Owner/Petitioner: Sue Kenney
Zoning District: R-L
Code Section: 4.4(D)(2)(b)

Project Description:

This is a request for the front deck to encroach 6 feet into the required 20 foot front setback, leaving a 14 foot setback.

- **OTHER BUSINESS**

- **ADJOURNMENT**

From: Ralph Shields <rshields@bellisimoinc.com>
Sent: Friday, July 24, 2020 9:58 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Re: Zoning Board of Appeals (August Public Hearing)

I agree with your statement, thank you Noah.

Thanks

Ralph Shields
970.231.7665

From: Noah Beals <nbeals@fcgov.com>
Sent: Thursday, July 23, 2020 2:54 PM
To: Ralph Shields <rshields@bellisimoinc.com>
Cc: Jennifer Luther <jluther@fcgov.com>; Kacee Scheidenhelm <kscheidenhelm@fcgov.com>
Subject: Zoning Board of Appeals (August Public Hearing)

Hello Chair-person Shields,

Since May the ZBA has conducted a remote hearing. These remote hearings appear to have met the needs of the board members and the applicants. The concerns that prompted these remote meetings have not dissipated.

- Health risks during a world-wide pandemic
- Difficulties in coordinating logistics for an in-person meeting or hybrid of such

It is staff recommendation to continue with a remote hearing for the August meeting of the ZBA.

Please respond to this email with your agreement with this recommendation or other suggestions for this hearing.

Kind Regards,

Noah Beals
Senior City Planner-Zoning
970 416-2313



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COVID19 Resources

For all residents: <https://www.fcgov.com/eps/coronavirus>

For businesses: <https://www.fcgov.com/business/>

Want to help: <https://www.fcgov.com/volunteer/>



Ralph Shields, Chair
Shelley La Mastra, Vice Chair
David Lawton
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Taylor Meyer
Ian Shuff
Butch Stockover

Council Liaison: Ross Cunniff
Staff Liaison: Noah Beals

LOCATION:
Virtual Hearing
Zoom Webinar

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

**REGULAR MEETING
JULY 9, 2020
8:30 AM**

- **CALL TO ORDER and ROLL CALL**
All boardmembers were present except Shuff.
 - **APPROVAL OF MINUTES FROM PREVIOUS MEETING**
Stockover made a motion, seconded by Shields, to approve the June 11, 2020 Minutes.
The motion was adopted unanimously.
 - **CITIZEN PARTICIPATION (Items Not on the Agenda)**
None.
 - **APPEALS FOR VARIANCE TO THE LAND USE CODE**
- 1. APPEAL ZBA200022 – APPROVED**
- Address:** 2921 Moore Lane
Owner/Petitioner: Michael & Casey Robinson
Zoning District: U-E
Code Section: 4.2(D)(2)(b)
- Project Description:**
This is a request to locate a propane tank 10 feet from the front property line, encroaching 20 feet into the 30 foot required front setback.
- Staff Presentation:**
Beals showed slides relevant to the appeal and discussed the variance request, noting this is a corner property, on the corner of Falcon Drive and Moore Lane. The current tank sits on the side of the house, outside the front setback. Proposal is to move it closer to the service road that the property takes access from. There are no plans to connect Moore Lane and Falcon Drive. The request is due to the future build of a garage. There are also plans to put a screened fence around the tank.

Boardmember Lawton asked about improvements in the future (eg connecting Moore Lane) and whether this would affect the variance. Beals replied if approved, the board can condition the variance to expire when Moore Lane connects in the future.

Applicant Presentation:

Casey Robinson, 2921 Moore Lane, addressed the board. There is also a ditch present on the property. The ditch company has an easement through the property to be able to do maintenance. She has met with the company to make sure they are within their requirements. The company would like a 35 foot easement from the propane tank. There are only 5 houses back in the enclave that would ever use the Moore Lane access.

Vice Chair LaMastra asked how long the existing driveway is.

Ms. Robinson explained there is no longer a driveway. From the corner of the house to the proposed propane tank is 35 feet.

LaMastra asked about positioning the tank east along the driveway.

Ms. Robinson explained that would be closer to the house and would include tearing out the landscaping and keep the gate access to the backyard.

LaMastra does not see a hardship, appears this is their preference.

Michael Robinson, 2921 Moore Lane, addressed the board. He explained that they must maintain a setback from the ditch from an erosion aspect. They must also maintain the structural integrity of the ditch. They have tried to move the propane tank further, but there are so many setbacks this was the best location. It is not too close to the house or tearing out utility lines or shrubbery. Chair Shields clarified that if the propane tank was moved further east, it would conflict with landscaping and be too close to the house. Mr. Robinson agreed, plus the ditch is present, moving the tank further toward the house.

Vice Chair LaMastra asked for the setback requirement from the house. Mr. Robinson replied that it's 10 feet. Proposed placement is 15 feet. Mr Robinson noted that the ditch moves north the farther east it goes. Discussion on location of the ditch. Mrs Robinson noted that she felt this was the best compromise when considering the erosion, building of the driveway and not having an eyesore in the front yard. They will also add a fence for aesthetics.

Audience Participation: (None)

Board Discussion:

Boardmember Stockover noted that this is nominal and inconsequential. Asked whether the proposed tank is in the flood plain. Beals noted that the applicants are required to obtain a building permit, and this gets addressed during permit review. Mr Robinson explained that the only part of the property in the flood plain is the South West corner of the property. Stockover asked whether the tank is being put on a foundation. Mr Robinson said yes, it would be.

Lawton noted email from neighbor who is in support. He also sees this as inconsequential, noting again there are no plans by the City to extend Moore Lane. Understands the concerns from the homeowner, will be in support.

Vice Chair LaMastra is torn on this item. Doesn't think there is a hardship. Doesn't think that 20 feet into a 30 foot setback is nominal and inconsequential. Interested in hearing more discussion.

Yatabe stated one of the potential grounds is hardship, but it doesn't always need to be demonstrated.

Boardmember Meyer noted that more precise representation of measurements and locations would be helpful. This isn't nominal. But he appreciates that the applicant spoke with the City Engineering department about the future of the road and potential of it being built out.

Chair Shields agreed that it would have been helpful to see better pictures but thinks it would be nominal/inconsequential.

Boardmember Stockover noted that if they ever needed to complete the road, they would bring services (sewer, gas, etc)

Boardmember Stockover made a motion, seconded by Shields, to approve ZBA200022 for the following reasons, the variance request will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code as contained in Section 1.2.2 with the following findings:

- The reduced setback is to a street with low traffic and no future plans to be improved.
- Current road improvements only allow access to one other property.
- A ditch on the south side of the property limits the location of the tank on the property.

Yeas: Lawton, Stockover, McCoy, Shields, LaMastra, and Meyer. Nays: none.

THE MOTION CARRIED, THE ITEM WAS APPROVED.

2. APPEAL ZBA200023 – APPROVED

Address: 1131 LaPorte Ave
Owner/Petitioner: Gregg & Mary Perry
Zoning District: L-M-N
Code Section: 3.5.2(E)(2)

Project Description:

This request is for a variance to build a carport attached to an existing accessory building (garage) encroaching 10 feet into the 15 foot required street facing side setback.

Staff Presentation:

Beals showed slides relevant to the appeal and discussed the variance request, noting that it is a corner property close to the neighborhood conservation district but not in the district. The district does not require a floor area ratio. The setback along the street is 15 feet. Proposal is to remove existing garage and re-build garage and an additional carport within the side setback. The garage would meet the setback. The carport would encroach and will be open on three sides. There is currently foliage to help screen the structure.

Boardmember Lawton asked about the current shed and if there are any restrictions. Beals replied if less than 8 feet in height and less than 120 square feet, it does not require a permit.

Applicant Presentation:

Gregg and Mary Perry, 1131 LaPorte Ave, addressed the board. The change in the structure is this will be 2 story. The carport is to protect their trailer. They will be trying to maintain the aesthetics and match the house.

Boardmember Meyer stated on the site plan, proposed garage is 10 feet from the house. He asked how far is the garage from the existing house and why are they shifting it to the east? Ms. Perry replied they would like more space to access the gate. She believes it is currently at 8 feet. They are moving the garage over 3-4 feet from current space and provide more light into the kitchen.

Audience Participation: (None)

Board Discussion:

Boardmember Stockover stated this is a clean design and supports less clutter in a somewhat dense neighborhood. He will be in support as he believes this is nominal and inconsequential.

Boardmember Lawton agreed they are a benefit to the neighborhood and will be in support.

Boardmember McCoy agreed.

Vice Chair LaMastra liked the screening and buffering along the property line and will be in support.

Boardmember Meyer and Chair Shields agreed with previous comments.

Boardmember Stockover made a motion, seconded by Shields, to approve ZBA200023 for the following reasons: the granting of the modification of standard would not be detrimental to the public good and the proposal as submitted not diverge from the standards of the land use code except in a nominal and inconsequential way when considered in context of the neighborhood and will continue to promote the Land Use Code in section 1.2.2 with the following findings:

- The carport is open on three sides.
- The property line is setback 8 feet from the back of sidewalk.
- There is an existing driveway in the approximate location of the carport.

Yeas: Lawton, Stockover McCoy, Shields, LaMastra, and Meyer. Nays: none.

THE MOTION CARRIED, THE ITEM WAS APPROVED.

3. APPEAL ZBA200024 – APPROVED

Address: 305 W. Swallow Road
Owner: Foothills Assembly of God
Petitioner: Matt Everhart
Zoning District: R-L
Code Section: 3.8.7.2(B)Table B

Project Description:

This request is for a variance to install a 3 foot tall wall sign logo for Foothills Assembly of God, exceeding the maximum height of dimensional wall signs in the residential sign district by 1.5 feet.

Staff Presentation:

Beals showed slides relevant to the appeal and discussed the variance request, noting this is a request for a taller sign for the logo portion of the sign than is usually allowed in the residential sign district. To the east is a railroad and the sign will face east and will not be visible to the residential properties to the west. The parking lot is shared for people riding on the Max public transportation.

Boardmember Meyer asked about the maximum height in opposite zone district to the East. Beals replied that it was 7 feet.

Vice Chair LaMastra asked about whether there is a monument sign present? Beals confirmed same.

Boardmember Lawton, noted the sign that is there, appears over 1.5 feet. Beals replied it did go through sign permitting and was approved.

Applicant Presentation:

Matt Everhart, 6410 S College Ave addressed the board. This is inconsequential as it does not face the residential area, even though it is zoned as residential.

Audience Participation: (None)

Board Discussion:

Boardmember Stockover is familiar with the neighborhood. This is so simple, mainly due to the orientation of the building. There are multiple buffers and he will be in support.

Boardmember Lawton stated this is in character for the area, will support.

Boardmember McCoy agreed.

Vice Chair LaMastra in support, it can hardly be seen.

Boardmembers Meyer and Chair Shields agreed with comments.

Boardmember Stockover made a motion, seconded by Shields, to approve ZBA200024 for the following reasons: the granting of the modification of standard would not be detrimental to the public good and the proposal as submitted will not diverge from the standards of the land use code except in a nominal and inconsequential way when considered in context of the neighborhood and will continue to advance the purposes of the Land Use Code in section 1.2.2 with the following findings:

- The sign is not visible from the abutting properties that are Zoned R-L.
- The sign faces non-residential properties not in the residential sign district.
- The additional height is limited to the logo.
- Everything to the West is commercial with the additional buffers of the railroad track, irrigation ditch and bike path

Yeas: Lawton, Stockover McCoy, Shields, LaMastra and Meyer. Nays: none.

THE MOTION CARRIED, THE ITEM WAS APPROVED.

4. APPEAL ZBA200025 – APPROVED

Address: 419 E. Laurel Street
Owner/Petitioner: Adam & Lauren Rubin

Zoning District: N-C-M
Code Section: 4.8(E)(4) & 3.8.19(A)(6)
Project Description:

This is a request for two variances. The first is to build an addition to the existing accessory building to match the existing building's setback of 2 feet 9 inches from the side property line, encroaching 2 feet 3 inches into the required 5 foot side setback. The second is for the eaves to encroach an additional 1 foot into the setback, encroaching a total of 3 feet 9 inches into the setback where permitted encroachment for an eave is 2.5 feet.

Staff Presentation:

Beals showed slides relevant to the appeal and discussed the variance request, noting this is to add an addition to an accessory building close to the alley in the back. The extension extends South and matches the existing encroachment. The eaves are allowed to extend into the setback, but still does not extend all of the way to the property line. There would still be room for run-off.

Vice Chair LaMastra asked for clarifications on eave distance. Beals confirmed the eave is an additional 9 inches. At the time of the staff report it was unclear where the eaves lied. The eave is counted from the allowed encroachment for an eave. The eave encroachment is an additional 6 inches

Boardmember Lawton question on additional buildings in the alley. Are they separate properties or additions? Beals: would need to research this. LaMastra noted they are addressed off of Peterson St..

Applicant Presentation:

Adam Rubin, 419 E Laurel St., addressed the board. They are trying to gain more space. They are constrained by utilities in that location. Neighbors are supportive. They are trying to follow all of the codes as best as they can and consider this nominal and inconsequential in the context of the neighborhood.

Chair Shields asked about utility line and pole. Mr. Rubin replied that is cable. All electrical is underground. There is also sewer in the area.

Vice Chair LaMastra asked if there are going to be gutters on the roof? Mr. Rubin replied that there are no gutters now, but could consider. No drainage issues currently, will do grading in the back. The next step if they are able to move forward is the grading and drainage. There are currently no runoff issues on the property.

Audience Participation: (None)

Board Discussion:

Boardmember Stockover – runoff is always a concern, liked the continuing roofline and footprint.

Boardmember Lawton noted this would be an improvement for access/protection from vehicles. Letter from neighbor that states it as an improvement.

Boardmember McCoy will be in support.

Vice Chair LaMastra less concerned with overall impact when there is an existing structure...in support.

Boardmember Meyer – if they add gutters/downspouts, they might be able to improve the drainage and runoff. Suggested allowing enough room to park a car.

Boardmember Shields is in support, noted two letters from neighbors in support

Vice Chair La Mastra clarified that the vote was for both variances.

Boardmember Stockover made a motion, seconded by Shields, to approve ZBA200025 for the following reasons: the granting of the modification of standard would not be detrimental to the public good and the proposal as submitted will not diverge from the standards of the land use code except in a nominal and inconsequential way when considered in context of the neighborhood and will continue to advance the purposes of the Land Use Code in section 1.2.2 with the following findings:

- **The addition will match the setback of the existing garage.**
- **The 18 foot length of the addition is 10% of the 180 foot length of the property line.**

- The addition does not exceed allowable floor area for the entire lot or in the rear half.

Yeas: Lawton, Stockover McCoy, Shields, LaMastra, Meyer. Nays: none.

THE MOTION CARRIED, THE ITEM WAS APPROVED.

5. APPEAL ZBA200027 – TABLED

Address: 2301 Limousin Ct.
Owner/Petitioner: Derek Smith
Zoning District: R-L
Code Section: 3.8.11(C)(1); 3.8.11(C)(2)

Project Description:

This request is for a variance to build a 6 foot tall fence between the front of the building and front property line. The maximum height allowed in the front yard is 4 feet.

Staff Presentation:

Beals showed slides relevant to the appeal and discussed the variance request, noting this is a corner property. Originally platted with an address on Hampshire. There was intention that the property would front on to Hampshire, but when it was built, it was built facing Limousin Ct. Applicant in touch with the City's Engineering department to verify how far away from the corner they need to be.

Applicant Presentation:

Brittany and Derek Smith, 2301 Limousin Ct., addressed the board. As far as the aesthetics, they did supply the board with pictures of other properties in the neighborhood. The back of their property is 12-13 feet from the fence, trying to provide more usable space with an increase in privacy and security.

Vice Chair LaMastra asked if there is a reason to come clear out to the street with the fencing. Can they come off of the garage instead? Mr. Smith replied that this is for enclosure to create a private safe space for children to play. The aesthetics of the house, there is not much added on that side.

La Mastra noted the opposing neighbor letter, and wondered if they could come to a middle ground solution that helps give some space but also helps to alleviate the neighbor's concerns with this variance.

Mr. Smith explained he spoke to most neighbors, and he wasn't aware of opposition. If someone has an issue, he would be more than willing to come up with a middle ground.

LaMastra noted it was neighbors across the street on the Hampshire side.

Beals read the opposing letter aloud, written by neighbor to the east.

Vice Chair LaMastra suggested options of either a 4 foot fence or pulling back to the front of the house. Explained they hear out all neighbors who have strong opposition. Mr Smith replied their house is situated more towards the West and are losing out on backyard space. Thinks neighbor doesn't like that they have a bigger lot. They did consider a shorter fence but they are trying to maintain the security and privacy. Ms. Smith wanted to clarify the location of the east property, no matter the location, they are adjacent to where the 6 feet fence would end?? Even if they did build the fence from the garage, it would still be blocking the view. Mr. Smith asked if they are upset at not seeing more of the house? He's confused on their letter.

LaMastra noted that they still have a plenty big backyard. It's difficult to approve something when there is such strong opposition. Mr Smith noted again that there are at least 4 properties with the same look. They are trying to get something approved that already exists in the neighborhood. Mrs Smith noted that it's difficult to tell from the pictures that the backyard is not very usable. Going out from the garage is just going to feel small.

Boardmember Meyer noted that this is a very challenging site. He sees and understands hardship. He questioned whether if we were to follow the strict rule of the code, is there a determination where to transition from 6 foot to 4 foot? Beals – the transition would have to start behind the front of the house.

Boardmember Meyer asked applicant to speak to the hardship of transitioning to the 4 foot fence from a privacy perspective. Mr Smith explained that there is not much space. There is a concrete pad which wraps around the Southeast corner. There are a lot of cars that drive down Hampshire and a lot of neighbors that walk by due to the location of the mailbox being in front of the house. Everyone

would be able to look in. Mrs Smith noted that the location of the door to the yard is in the back. It is hard to see around into the whole yard. Having the 6 foot privacy fence is essential from a safety and security perspective.

Audience Participation: (None)

Board Discussion:

Boardmember Stockover stated this property was developed in the 70's. It was the applicant's choice to purchase this property, and therefore this seems self-imposed. However, he has been naïve enough to believe he could do what he wanted on his own property and they probably thought they could build a high fence. A fence 2 feet away from the sidewalk is hard to maintain due to weeds. A 6 foot fence changes the look of the neighborhood aesthetically.

Boardmember Lawton – a compromise would be a 4 foot fence. A neighbor across the street on Limousin Ct. has a fence that ends at the garage. There is precedence to do this. The neighbor that submitted the letter is across the street and he sees their point. Thinks it is self-imposed.

Chari Shields asked about the location of the mailbox

Boardmember McCoy – the rules serve the property. They can still fence out to the street with a 4 foot fence. He is not in support of this variance.

Vice Chair LaMastra – has concerns when there are neighbors strongly opposed. There are many neighborhoods in the city with 4 foot fences. Security wise a 4 foot fence should be plenty. There can be landscaping added to screen. The other yards used to compare are backyards, and it is not a valid comparison. Either drop the fence to 4 feet or end it at the garage.

Boardmember Meyer – he is on the fence, There is still sufficient room to play in their yard. The purpose of the code is to maintain consistency in the neighborhood.

Chair Shields –a decent compromise would be a 4 foot fence. With some creative landscaping, privacy could be achieved. If there was no opposition, he would be in more support.

Vice Chair LaMastra stated that they could work with their neighbor on other compromises. They could place the fence differently, or plant vegetation in front of the fence, etc.

Mr. Smith added their plan is to include native plants and xeroscaping by the road and border between the fence and property. He doesn't want to waste time if they will be shut down again. He doesn't want a property that is not visually appealing.

Discussion regarding the board tabling this item so the applicant can speak with the neighbor, get a definitive plan and come to a compromise.

Shields added that if they got the support of neighbors and improved the look visually, he could get on board.

Boardmember Stockover asked whether an open lattice at the top is part of the height of the fence. Beals confirmed that it was.

LaMastra noted that this could be another idea for a compromise.

Boardmember Stockover suggested that this item be tabled until next month.

Boardmember Meyer appreciates that the applicants want the fence to be attractive. Tabling will give them time to address the neighbor. Wants them to come back with a positive letter from the opposing neighbor once they work out a compromise.

Mrs Smith wanted to clarify that it was an option to do a 4 foot fence with a lattice.

La Mastra stated that it would be another variance, but it might be more of a compromise with the neighbors.

Beal recapped the options – Deny, Approve or Table.

Shields asked the applicants if they would like to table. Mr. and Mrs. Smith agreed they would like to Table to give them more time to talk to the neighbors.

Boardmember Stockover made a motion, seconded by Shields, to table ZBA200027 to provide time for the applicant to reach out to their neighbors.

Yatabe added that they should table with a certain date, then they do not have to re-notice this. Stockover specified this should be tabled until the August hearing.

Yeas: Stockover McCoy, Shields, LaMastra and Meyer Nays: none.

THE MOTION CARRIED, THE ITEM WAS TABLED to the August hearing.

- **OTHER BUSINESS**
- **ADJOURNMENT**

Ralph Shields, Chairperson



Noah Beals, Senior City Planner-Zoning

STAFF REPORT

August 13, 2020

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA200009

PROJECT DESCRIPTION

Address: 144 2nd St.

Petitioner/Owner: Michael Rossman

Zoning District: R-L

Code Section: 3.8.19(A)(6); 4.4(D)(2)(d)

Variance Request:

The variance request is for an addition to the existing structure. The addition requires the following two variances:

1. A 2 foot encroachment into the required 5 foot side-yard setback
2. A 6 inch encroachment for a required 2.5 foot setback for an eave.

COMMENTS:

1. **Background:**

The property was annexed into the City in 1903 as part of the Buckingham Place subdivision. The primary structure was constructed in approximately 1930. The original lot size has remained intact through the present.

The existing structures on the property do not meet the current setback standards. They are one-story and meet the current height standards for the zone district. The existing garage takes vehicle access from the street and the proposed garage will maintain this same access.

After the hearing in March, the applicant redesigned the project. The redesign includes retaining the majority of the existing primary structure and rebuilding the garage.

In general, building height and setback requirements are to promote and preserve the character of the neighborhood and ensure safety and privacy.

2. **Applicant's statement of justification:** See petitioner's letter.

3. **Staff Conclusion and Findings:**

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public good.
- Throughout the Buckingham Place neighborhood similar encroachments occur.
- The existing garage has a similar encroachment along the south property line.
- The encroachment is for a one-story portion of the building.

Therefore, the variance request will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code as contained in Section 1.2.2.

4. **Recommendation:**

Staff recommends approval of APPEAL ZBA200009.



Application Request for Variance from the Land Use Code

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Zoning Board of Appeals shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner’s Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	144 2nd Street	Petitioner’s Name, if not the Owner	
City	Fort Collins, CO	Petitioner’s Relationship to the Owner is	
Zip Code	80524	Petitioner’s Address	2109 Lambic Street, Fort Collins
Owner’s Name	Michael Rossman	Petitioner’s Phone #	970-231-9647
Code Section(s)	4.4.D.	Petitioner’s Email	michael.rossman@gmail.com
Zoning District	RL	Additional Representative’s Name	Melanee Rossman
Justification(s)	1. Hardship	Representative’s Address	2109 Lambic Street, Fort Collins
Justification(s)	3. Nominal and inconsequential	Representative’s Phone #	970-939-4366
Justification(s)	Additional Justification	Representative’s Email	melanee.rossman@gmail.com
Reasoning If not enough room, additional written information may be submitted	Included additional letter of explanation separately.		

Date 7/15/2020

Signature

Zoning Board Members,

First, we appreciate your time and consideration of our request. The last time I stood in front of the board back in March, there were some concerns with the house we wanted to build on the property. I appreciate those concerns and have went back to design in order to address them. We designed with the intention of keeping as much of the original structure as possible and to fit the neighborhood.

However, in an effort to keep the current structure we encounter a **hardship** due to being on a corner lot, having a narrow lot, and also less area to build in due to larger setbacks then an inline lot. In order to keep the original structure, and fit the smallest 2 car garage width recommended (20ft wide), we end up going into the south setback by 2ft. My wife and I both have cars, and we want to be able to protect them from the elements and keep them, and ourselves, safe.

On the lot currently, there is a garage (built by a previous owner) that was not permitted. It actually sits 2ft. into that side setback as it stands. Even to keep this garage, as is, I would need to get a variance for something we didn't even build. As the garage sits now there is about 40ft. that is 2ft. into the South setback. We are doing our best to minimize that by reducing that length E to W to about 28 ft.

Additionally, I am not sure if it impacts the variance so I will include it, we would be leaving the original structure that is currently there. We will be rearranging the internal layout, changing the roof, and moving the front door to the south, which will require the addition of a concrete pad for entry and overhang. The original structure is currently set back 4.9' off the North side setback and 4.1' off the West front setback. The current concrete pad with overhang for entry currently sits directly on the property line. We would be adding a small pad next to that.

The original building location does not meet the current setback requirements, but they are original and would be staying where they are. I don't believe the front setback is an issue due to the fact that it should be considered a contextual setback, since at least 2 to 3 houses in the immediate proximity sit up this far. However, in order for us to keep the original structure, which is ideal for keeping neighborhood context and save us on construction costs, these setbacks would not change. In other words, it would be a **hardship** for us to move the structure and foundation both for cost and neighborhood context.

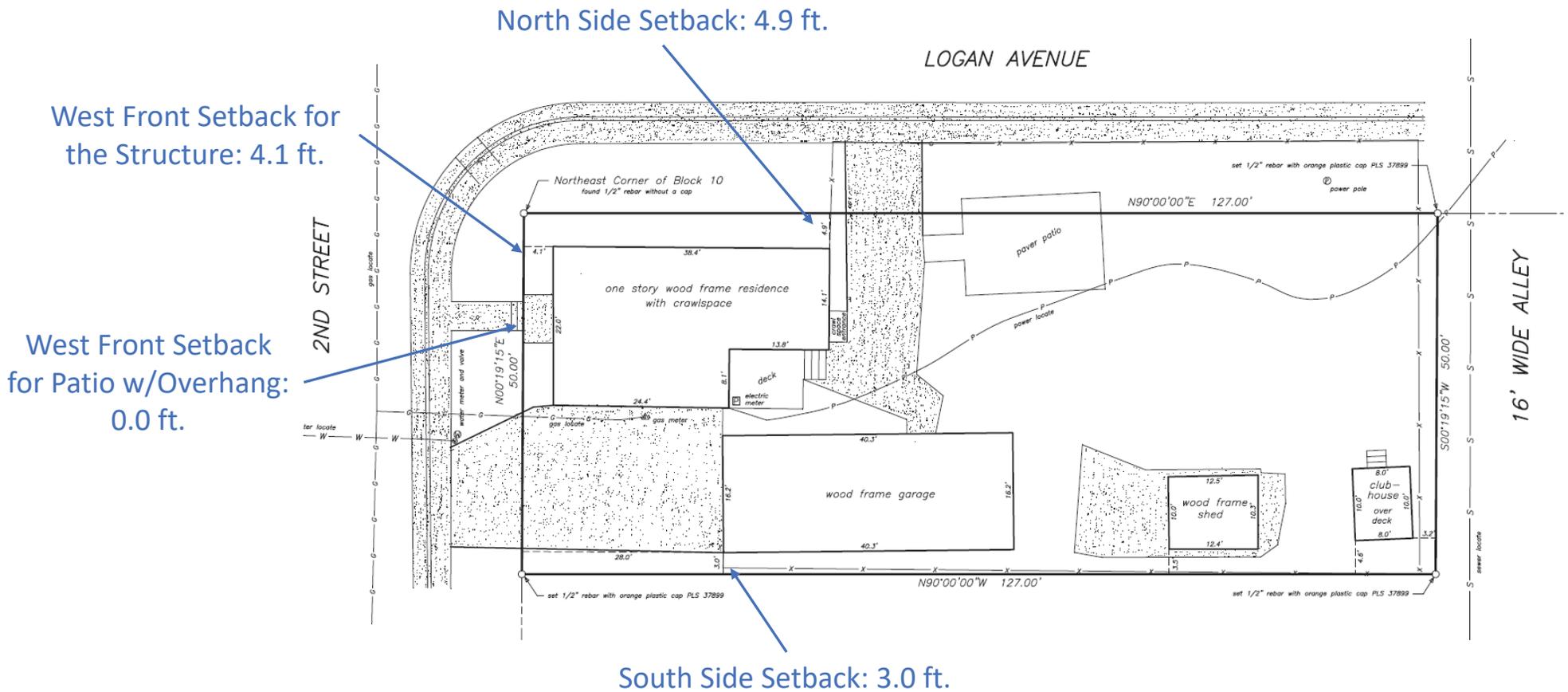
We also believe that our new design proposal meets the **nominal and inconsequential** requirement as it relates to the context of the neighborhood. The design is a 1.5 story with the master bedroom built into the trusses, to keep a low profile. The 2 houses directly to the North of our property have similar elevations. One of them was just constructed in the last year.

We have been very deliberate to try to keep the addition to the original structure within the setbacks, except for the 28ft section that would encroach the South setback by 2ft. I spoke with the neighbor on that side and he is in favor of my proposal and will provide written documentation or be on the meeting in August. In addition, his property, the next one in line, the one diagonal across Logan, and many others in the neighborhood are built almost right on the property line on the sides.

Lastly, the new construction that was just complete at 204 2nd street was granted a variance for their side setback to encroach by a little under a foot. This sets a precedent for allowance of a variance, in the same neighborhood and on the same street.

To conclude, we did our absolute best to take the feedback from the last meeting and design something that would keep the original context of the neighborhood but meet the needs of modern day living. We appreciate your consideration.

Current Site Survey & Setbacks



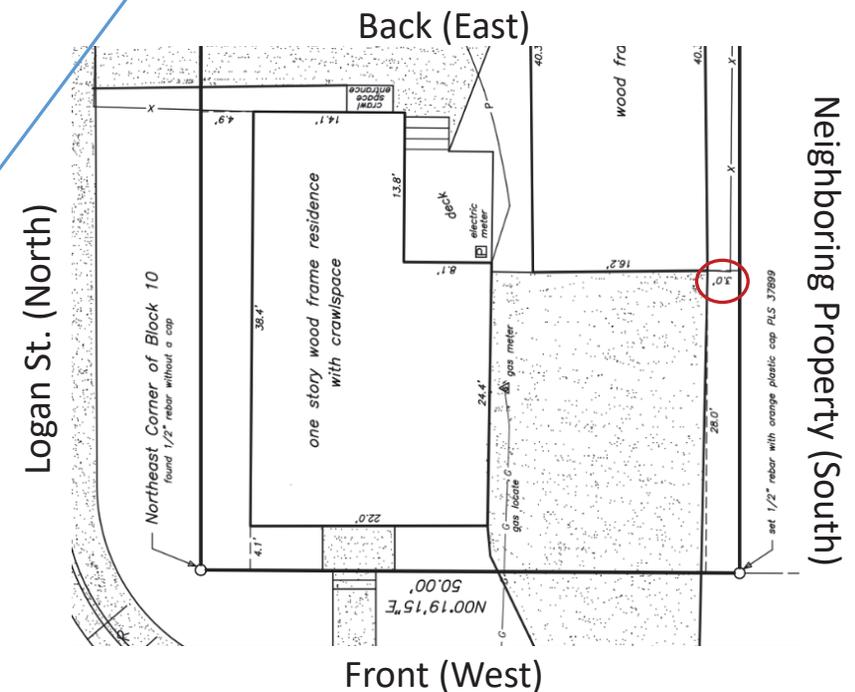
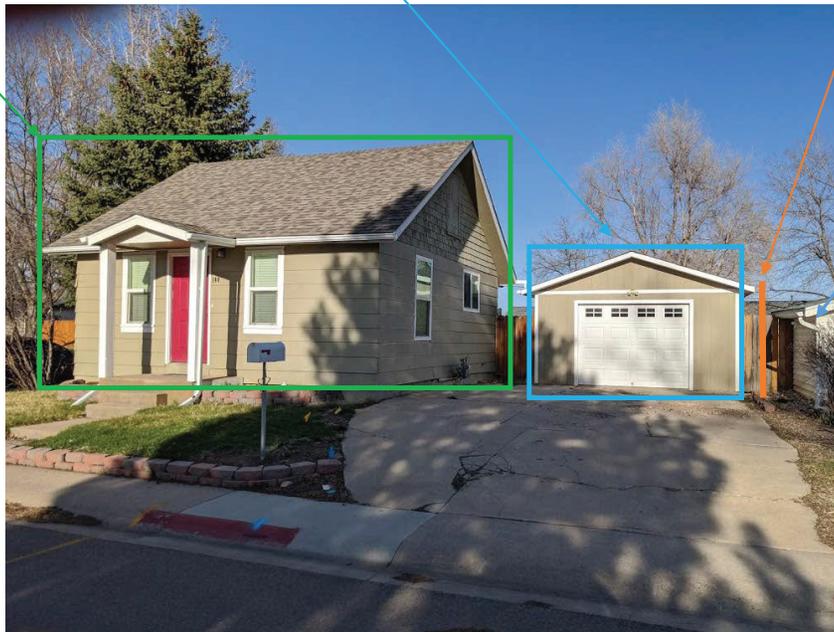
Current Structures

Original structure built in 1930

Garage built by a previous owner currently 3ft. off the property line.

Approximate property line

Neighboring property, only approximately 2ft. off property line



Newly constructed addition would end at approximately the same location as current garage that was constructed around 2012 by a previous owner (see appendix for Google street screenshot of garage being built). We didn't own until Oct. 2018.

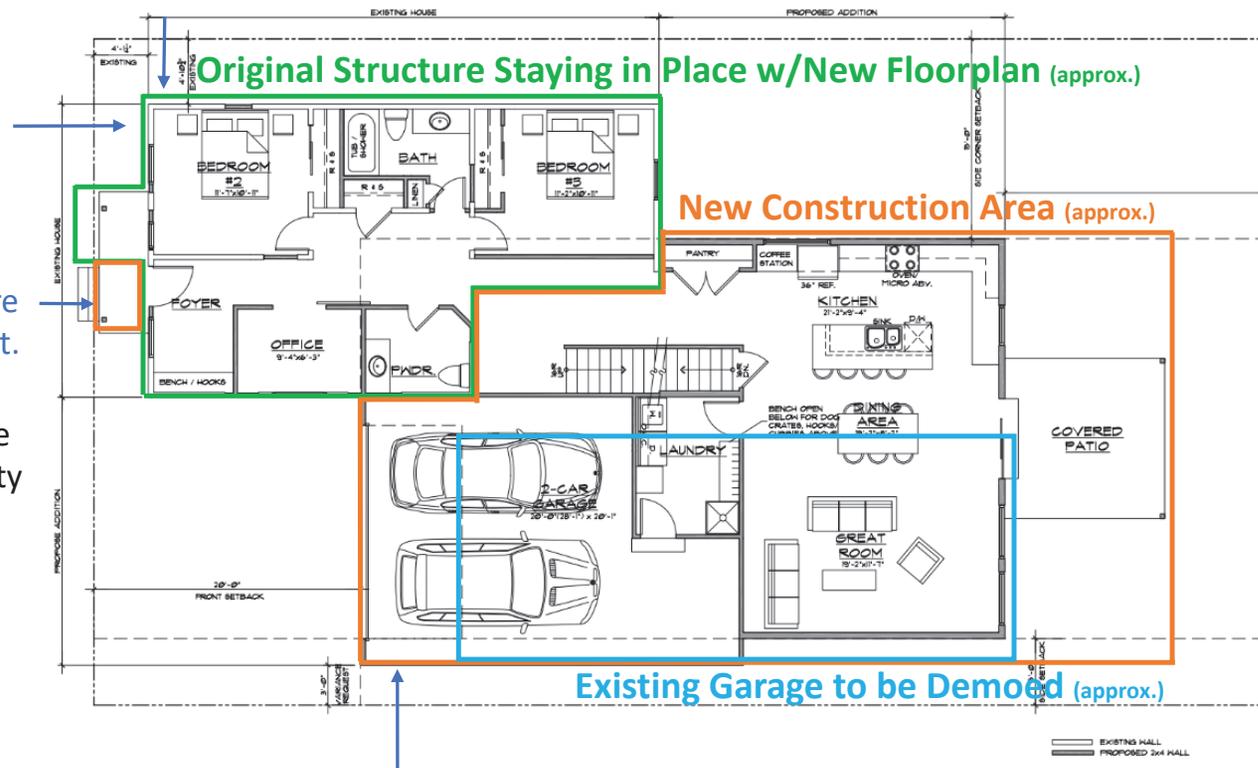
Proposed Setbacks

Same Because We are Using Original Structure
North Side Setback: 4.9 ft.

Same Because We are Using Original Structure
West Front Setback for the Structure: 4.1 ft.

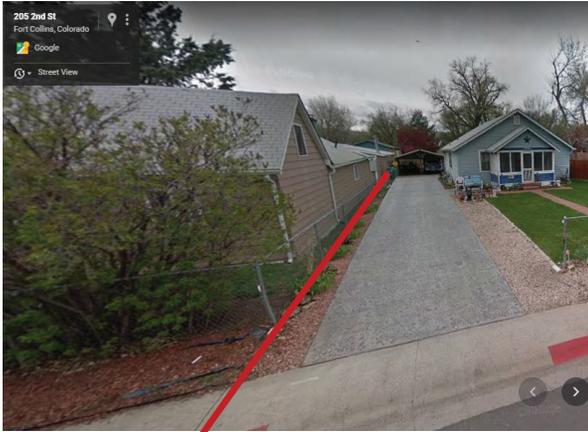
Adding Concrete Pad and Overhang but
Wouldn't Encroach More than Original Structure
West Front Setback for Patio w/Overhang: 0.0 ft.

1. Proposed setbacks are essentially exactly the same as what currently exists on the property
2. Original structure setbacks would be maintained on North side and West front
3. New construction area would not encroach on current RL zoning setback rules for South and Front setbacks.
4. New construction area would encroach on South setback by 2 ft., but would not encroach further than existing garage.



New Construction would Encroach by Same as Existing Garage
South Side Setback: 3.0 ft.

Examples of Side Setback Encroachments on the Same Street



Examples of Houses that Take Up Most of Their Lot, N to S, in the Neighborhood



Due to narrow lot sizes, there are plenty of examples in the neighborhood of homes take up a majority of their lot North to South.

Recent New Construction Granted Variance

City of Fort Collins		<i>Community Development & Neighborhood Services</i> 281 N. College Ave Fort Collins, CO 80522 970.221.6760 970.224.6134 - fax	
Site Address: 204 2ND ST		Building Permit #: B1903587	
Job Valuation: [REDACTED]		Issued Full: 07/24/2019	
Owner: [REDACTED]		Permit Type: Residential Addition	
204 2ND ST FORT COLLINS, CO 80524		Phone: 970-222-2384	
Zoning: Front setback: <u>15'</u>	Rear setback: _____	Right setback: 7.16'	Left setback: <u>4.25'</u>
Minor Amend #: _____	Plat File #: _____	ZBA Case #: <u>ZBA190004</u>	
Zoning district: <u>RL - LOW DENSITY RESIDENTIAL DISTRICT</u>			
Legal: Subdivision/PUD: _____	Filing #: _____	Lot #: _____	Block #: _____
Code: Res sq ft: 1153	Com sq ft: _____	Ind sq ft: _____	Basement sq ft: _____
# of stories: _____	Occ Group: _____	Const Type: <u>V-B</u>	
Fire Sprklr: _____	Stock plan #: _____	Stock plan options: _____	
Contractor: CREATIVE ANGLE BUILDERS, LLC	License #: <u>D1-854</u>	Supervisor cert #: <u>4564-D1</u>	
PO Box 307			
Laporte, CO 80535	Phone: 209-649-2000		

Both front and left setback are outside current zoning standards. Homeowner was granted variance and house is constructed 2 houses down from ours across Logan St.



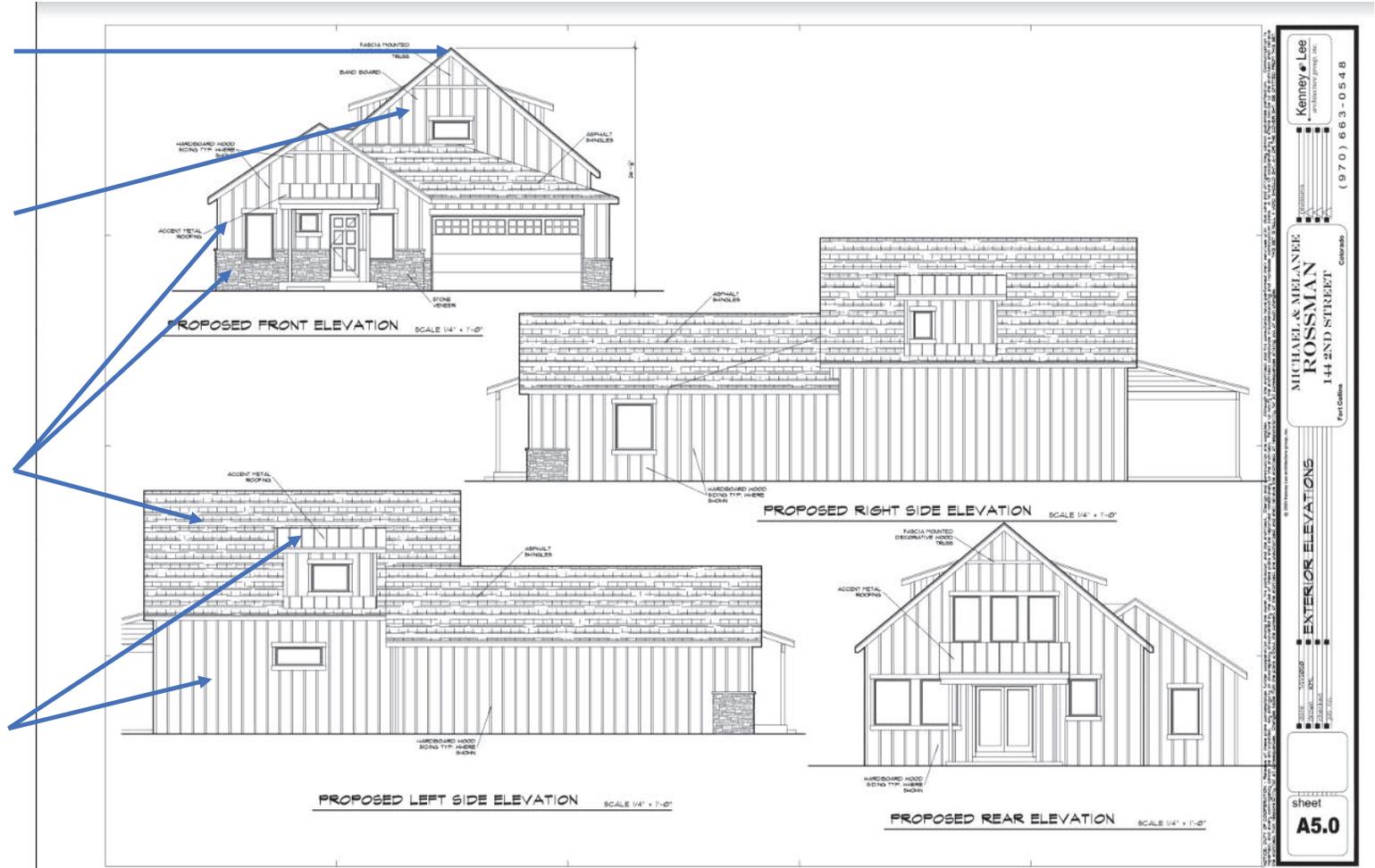
Proposed Elevations

Peak at 26 ft. Above Grade
2 ft. Less than Current Rule

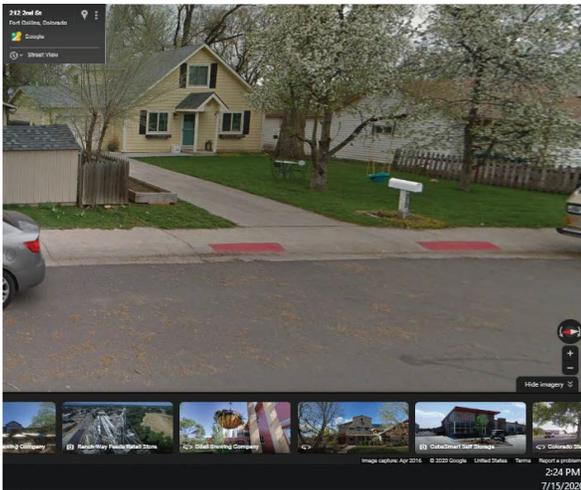
1.5 story construction,
consistent with many
homes in the neighborhood

Stone/brick, wood siding,
and standard shingle roof
construction consistent
with many houses in the
neighborhood including
house directly to the North.

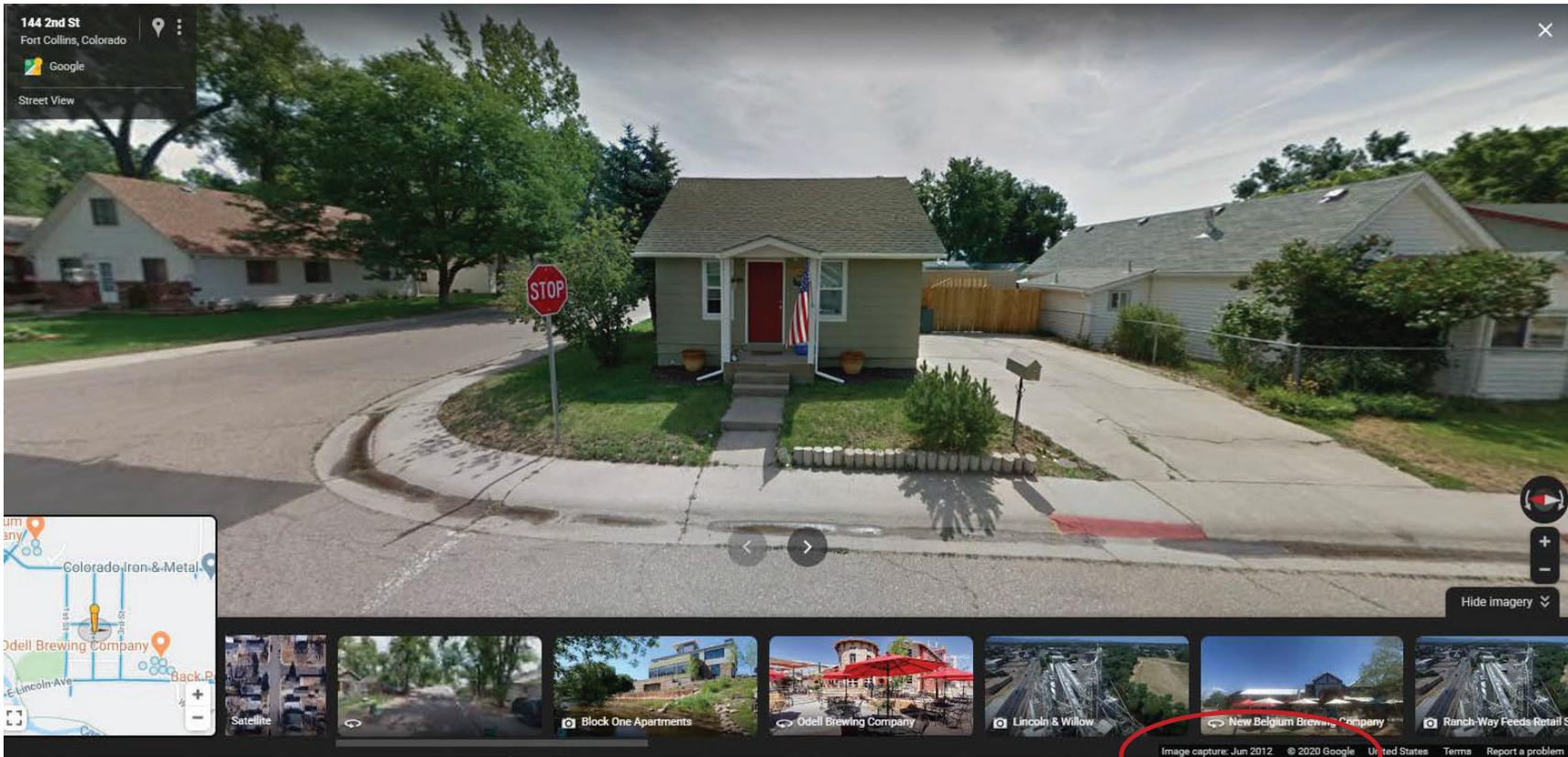
Metal roof accent & vertical
siding consistent with
newer construction that
was granted a variance.



Elevations Matching Proposed Style on Same Street



Appendix

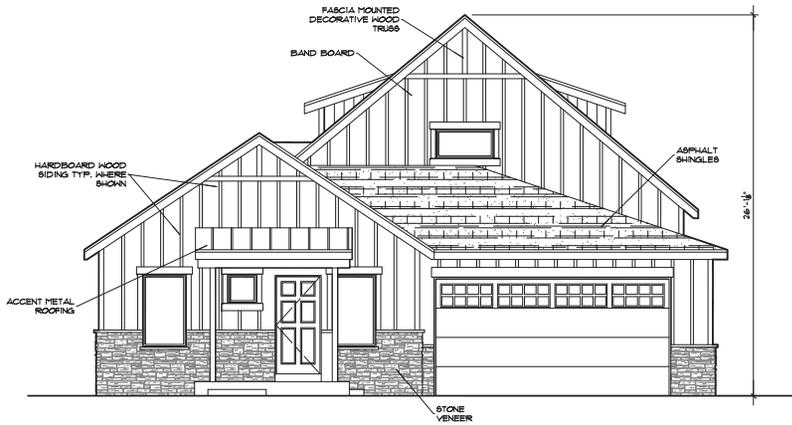


Neighboring property is in line with front of existing structure.

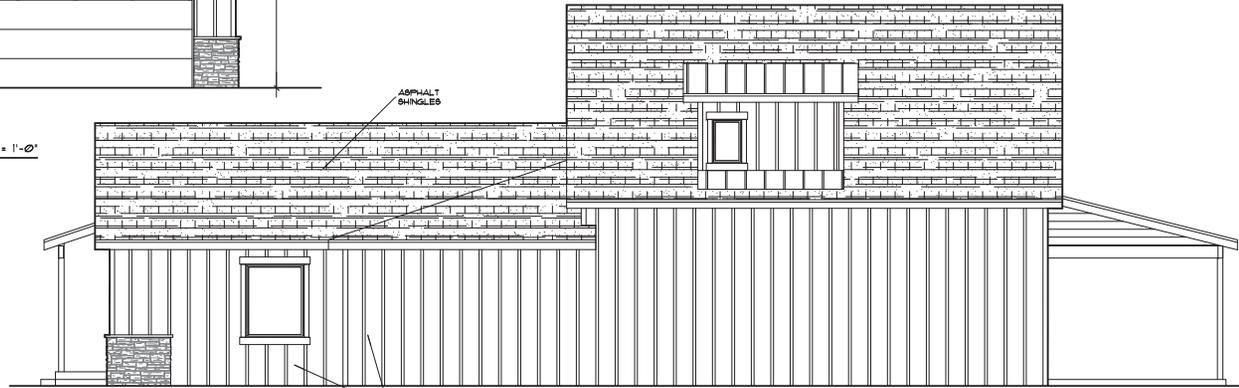


Additional examples of houses in the neighborhood pretty much on their front property line. Where are house sits is contextually in line with others in the neighborhood.

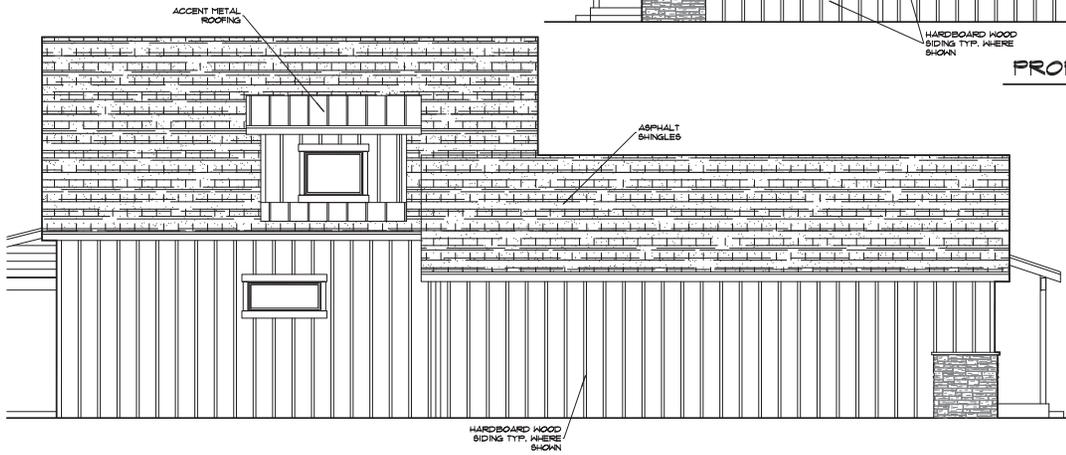




PROPOSED FRONT ELEVATION SCALE 1/4" = 1'-0"



PROPOSED RIGHT SIDE ELEVATION SCALE 1/4" = 1'-0"



PROPOSED LEFT SIDE ELEVATION SCALE 1/4" = 1'-0"



PROPOSED REAR ELEVATION SCALE 1/4" = 1'-0"

SPECIAL NOTE OF COOPERATION: We hereby certify that the drawings were prepared by us or under our direct supervision and that we are a duly licensed professional architect in the State of Colorado. We warrant that the drawings were prepared in accordance with the provisions of the Colorado State Board of Architecture and the provisions of the Colorado State Board of Professional Engineers and Surveyors. We warrant that the drawings were prepared in accordance with the provisions of the Colorado State Board of Professional Engineers and Surveyors. We warrant that the drawings were prepared in accordance with the provisions of the Colorado State Board of Professional Engineers and Surveyors.

Kenney & Lee
 architecture group, inc.
 REGISTERED ARCHITECTS
 MICHAEL & MELANEE ROSSMAN
 144 2ND STREET
 Fort Collins
 Colorado
 (970) 663-0548

EXTERIOR ELEVATIONS
 DATE: 1/11/2020
 DRAWN: BCL
 CHECKED: []
 JOB NO.

sheet
A5.0

STAFF REPORT August 13, 2020

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA200027

PROJECT DESCRIPTION

Address: 2301 Limousin Ct.

Petitioner/Owner: Derek Smith

Zoning District: R-L

Code Section: 3.8.11(C)(1); 3.8.11(C)(2)

Variance Request:

This request is to build a 6 foot tall fence between the front of the building and front property line. The maximum height allowed in the front yard is 4 feet.

COMMENTS:

1. Background:

This item was tabled from the July 2020 meeting of the Zoning Board of Appeals. At that time, the Board suggested that the applicant speak with the neighbors concerning the design. Additionally, the ZBA asked questions concerning landscape design in between the proposed fence and the public sidewalk.

The property is a part of the Brown Farm 3rd subdivision that was platted in 1975. The primary structure was built in 1977. At the time of the original plat the lot was addressed 2337 Hampshire Road. This addressing suggests the lot was planned with a front property line along Hampshire.

The house was built instead facing Limousin Court. The orientation of the house created a shallow backyard and a side yard that is larger than the other lots in the subdivision.

2. Applicant’s statement of justification: See petitioner’s letter.

3. Staff Conclusion and Findings:

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public provided the City Engineering Department approves the fence location.
- The lot was original planned to have a front setback on Hampshire Road.
- The orientation of the house created a shallow rear-yard and a wider side-yard.
- The proposed fence is located in a front side yard and not in front of the house.
- Other 6-foot tall fences in the neighborhood run along front yards.

Therefore, the variance request will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code as contained in Section 1.2.2. Additionally, the variance request may be granted due to a hardship of the lot not caused by the applicant and a strict application of the code results in a practical difficulty upon the applicant.

4. Recommendation:

Staff recommends approval of APPEAL ZBA200027.



Application Request for Variance from the Land Use Code

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- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner’s Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	2301 Limousin Ct	Petitioner’s Name, if not the Owner	
City	Fort Collins, CO	Petitioner’s Relationship to the Owner is	
Zip Code	80526	Petitioner’s Address	2301 Limousin Ct Fort Collins Co
Owner’s Name	Derek Smith	Petitioner’s Phone #	9703015310
Code Section(s)	3.8.11(C)(1)	Petitioner’s Email	dcsmith117@gmail.com
Zoning District	RL	Additional Representative’s Name	Brittany Smith
Justification(s)	1. Hardship	Representative’s Address	2301 Limousin Ct Fort Collins Co
Justification(s)	2. Equal to or better than	Representative’s Phone #	3035656533
Justification(s)	3. Nominal and inconsequential	Representative’s Email	brittsmit1122@gmail.com
Reasoning <small>If not enough room, additional written information may be submitted</small>	1- We are requesting to build a 6ft fence in front of the face of our property on only the east side of the house. This variance request is based on the reasoning of exceptional physical conditions since the majority of the house’s yard is located on the side of the house. This presents an undue hardship unique to the property and allows only 19 feet of usable space between the house and the rear fence. This causes an exceptional narrowness of the backyard and vastly different than most other properties in the neighborhood. Installing a 6 foot privacy fence in front		

Date 05/26/20

Signature Derek Smith

We are requesting a variance from the fence building code to allow a 6-foot privacy forward of the face of the garage on the east side of the property. It will be a standard 6' cedar privacy fence that stays out of the safe sight triangle and at least 2' away from the city sidewalk.

(1) **Hardship** – Imposed by abnormal shallowness of the “back” yard.

We are requesting to build a 6ft fence in front of the face of our property on only the east side of the house. This variance request is based on the reasoning of exceptional physical conditions since the majority of the house's yard is located on the side of the house. This presents an undue hardship unique to the property and allows only 19 feet of usable space between the house and the rear fence. This causes an exceptional narrowness of the backyard and vastly different than most other properties in the neighborhood. Installing a 6 foot privacy fence in front of the face of the house will allow occupants full practical usage of yard and improve the security of the backyard.

(2) **Equally well or better** – Usability, security, and privacy will be improved for the property AND the neighbors on the cul-de-sac.

Installing a 6-foot privacy fence in front of the face of the house will allow occupants full practical usage of the yard and improve the security of the backyard. It will also help increase the privacy and security of the neighboring houses on the cul-de-sac by providing a physical barrier between them and the main thoroughfare through the neighborhood.

(3) **Nominal and inconsequential** – The curb appeal and street view of the house will not be affected. It will fit with the design of the rest of the neighborhood.

The 6-foot privacy fence will extend in front of the face of the garage on only one side of the house. The part of the house with the better aesthetics will fall within the Land Use Code and the appearance of the house will meet neighborhood expectations. Additionally, there are multiple properties in the neighborhood with curbside aesthetics similar to what we are proposing. Pictures can be found in the PowerPoint presentation. The properties with similar aesthetics have neighboring 6-foot privacy fences in front of the face of the house. Though it is usually two different properties, the property appearance is still similar to that of what we are proposing.

City Code Variance for 2301 Limousin Ct.

05/26/20

Property Address: 2301 Limousin Ct. Fort Collins CO 80526
(The map spelling is wrong for the street)

Assigned Address

Description
2301 LIMOUSIN CT

Details

OBJECTID
25787987

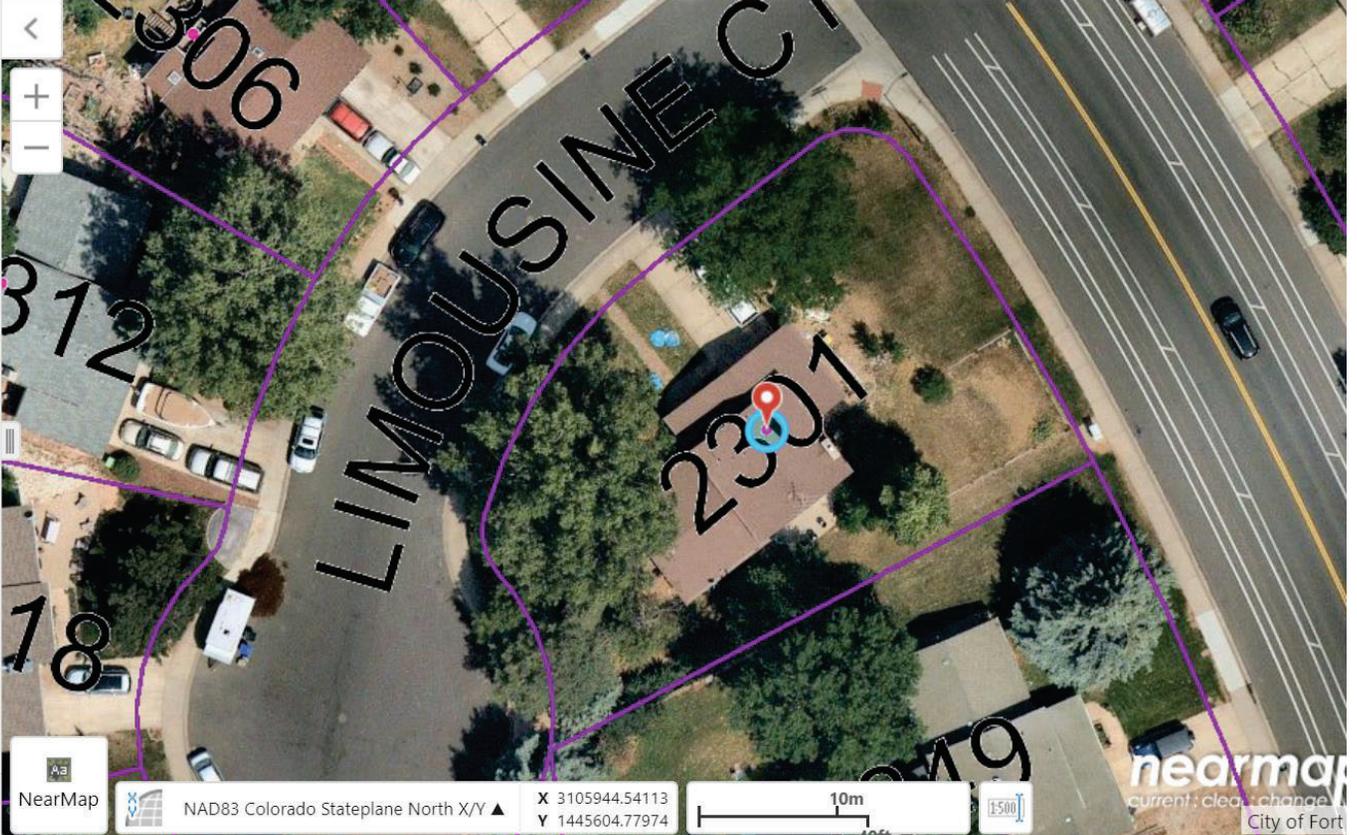
MSTRID
1432

CATEGORY
PRIMARY

ADDRESSID
291450000

BASEID
18267

REVDATE
Dec 30, 1800 5:00 PM



NearMap

NAD83 Colorado Stateplane North X/Y ▲

X 3105944.54113
Y 1445604.77974

10m

1500

nearmap
current: clear: change
City of Fort

Property Zoning: Low Density Residential District

Description

Schedule: 0628930
Owner: NULL
Site Address: 2301 LIMOUSIN CT
Tax District: 1100
Land Cover
Developed, Low Intensity: 86.6667%
Developed, Medium Intensity: 13.3333%



Details

Parcel Number
9721416043

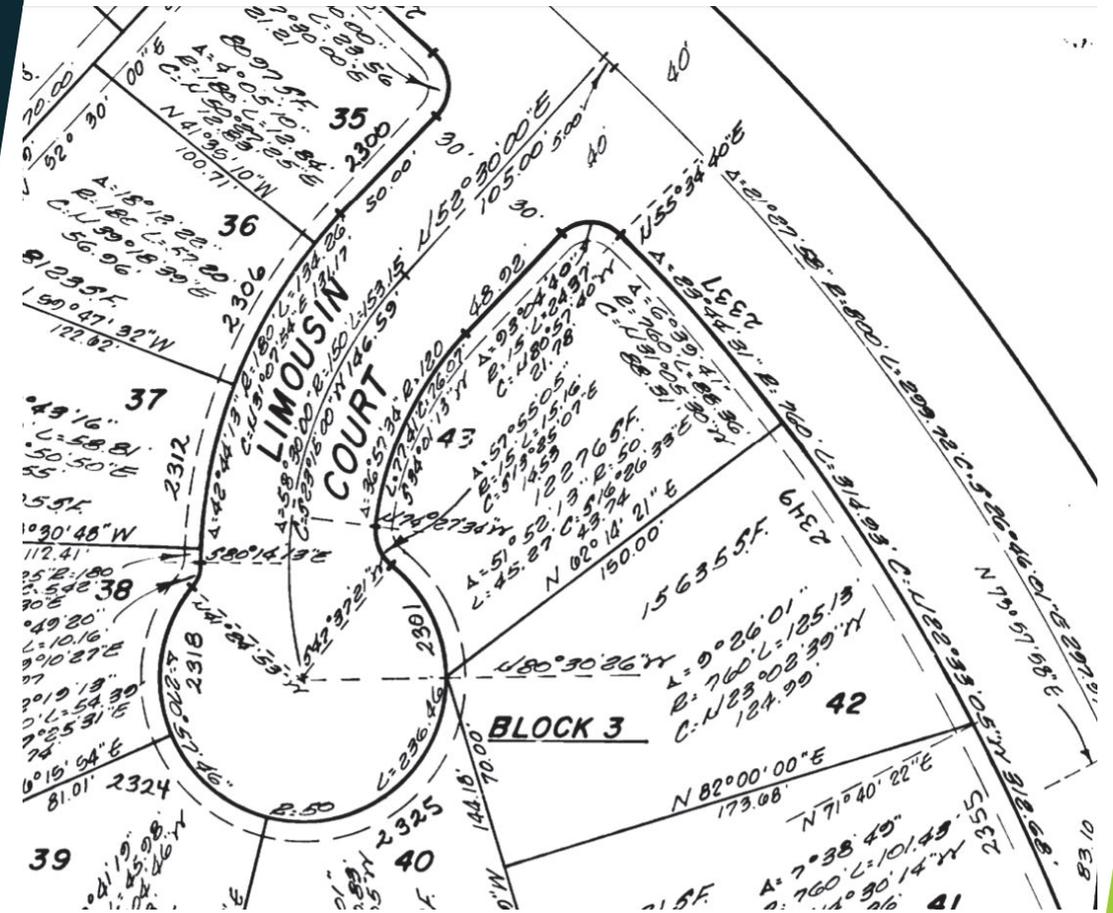
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Name1
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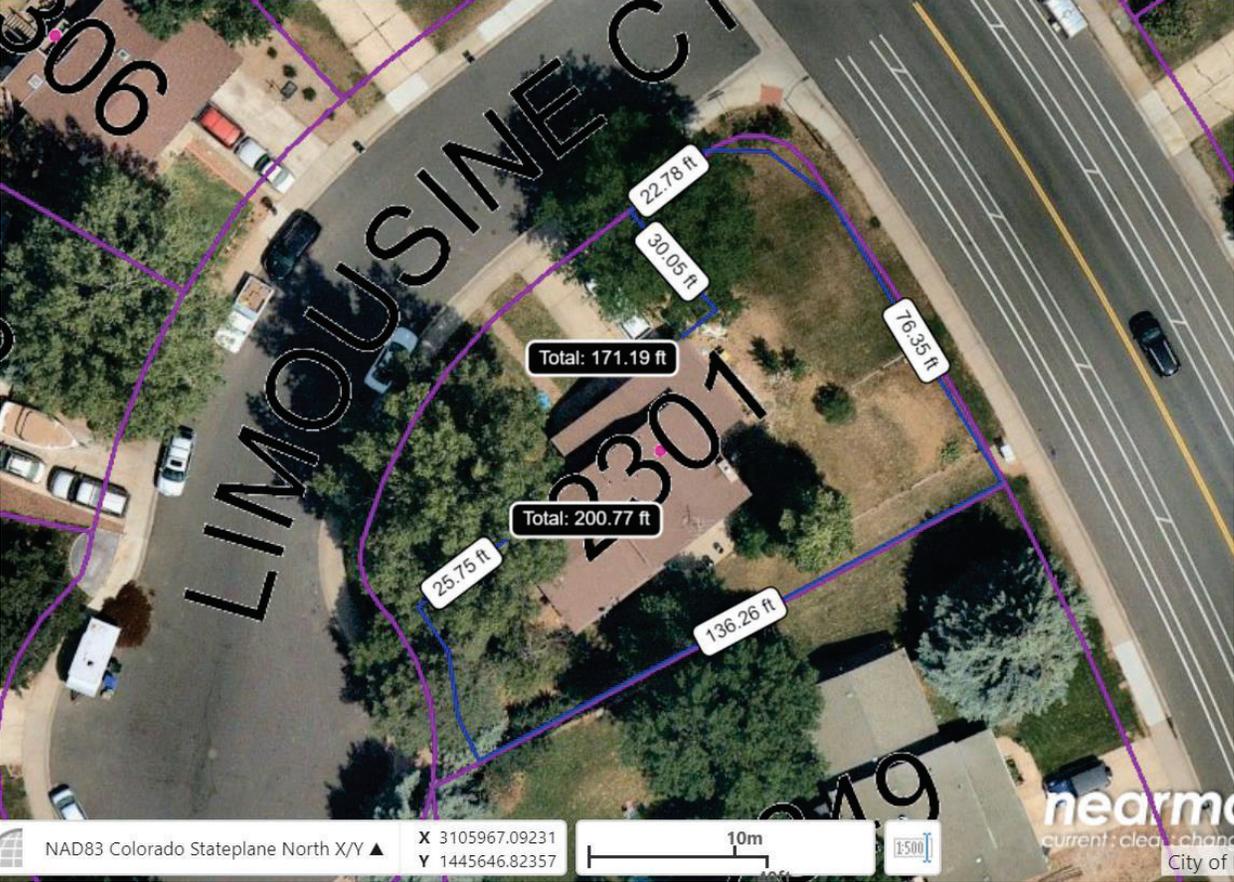
Site Address



Brown Farm Plat Map



Proposed area for backyard

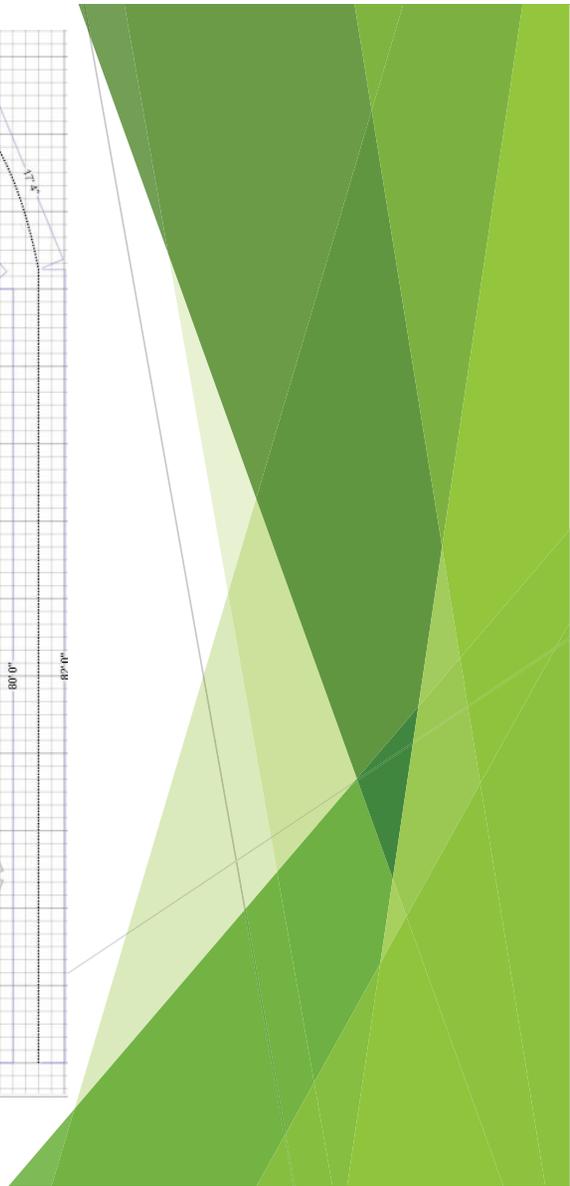
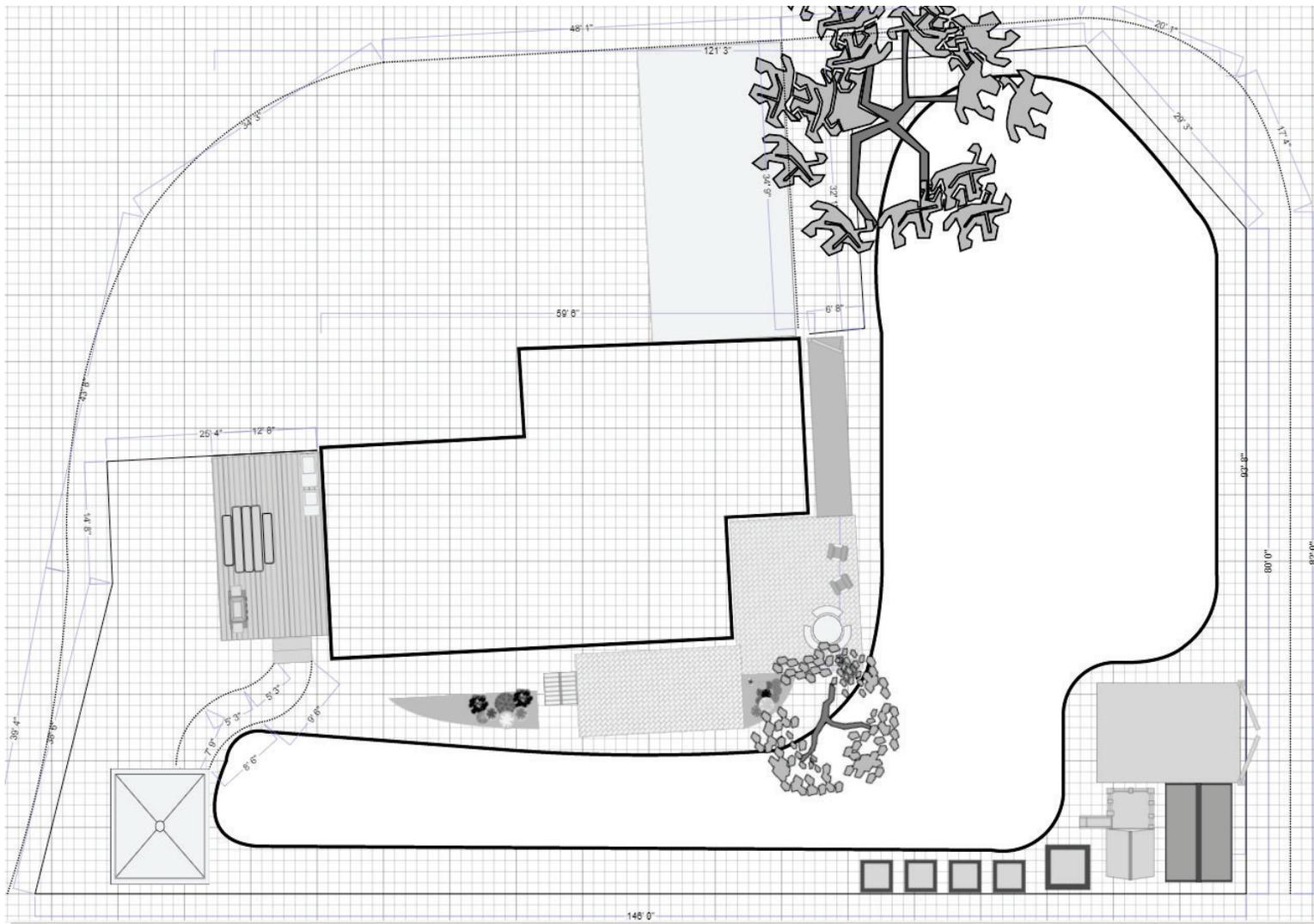


▶ Outlined in blue

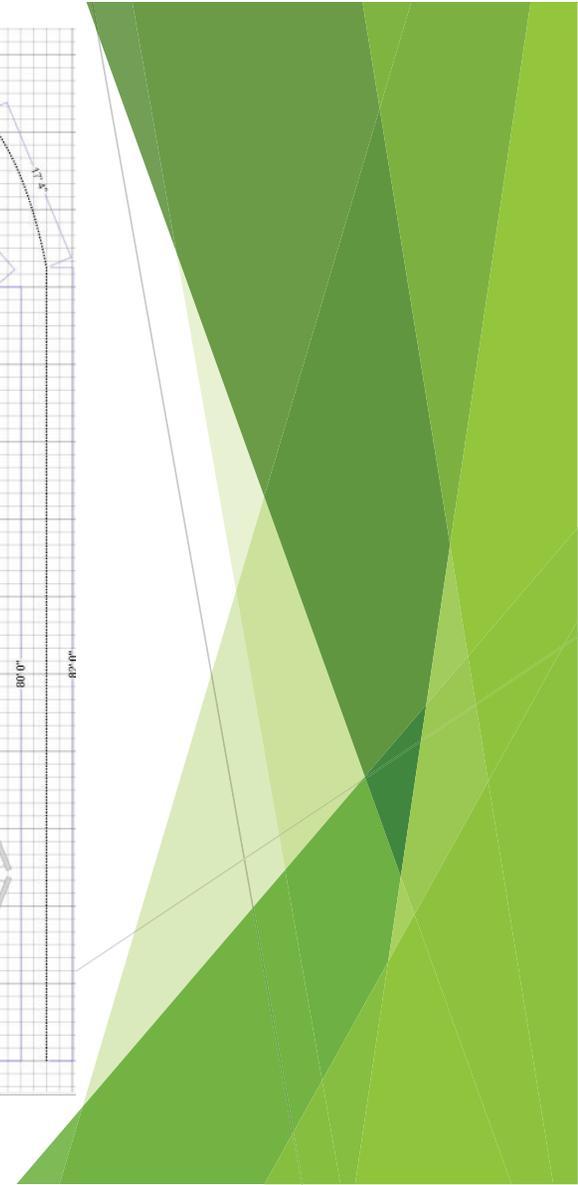
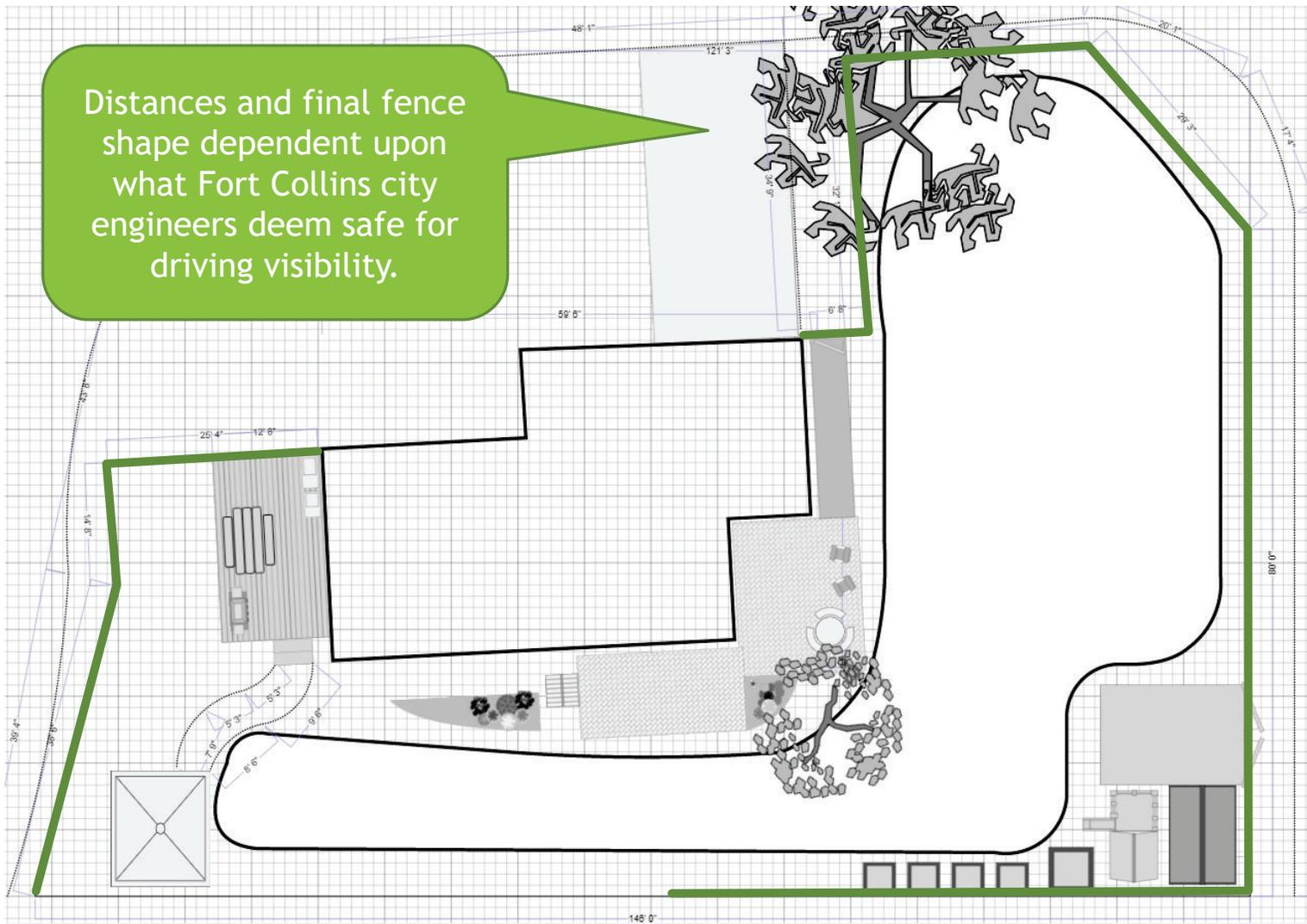
Proposed Fence line

- ▶ 6' Privacy Fence
 - ▶ Including the shaded area
 - ▶ Forward of the Garage
- ▶ Outside “Safe Sight” Triangle
- ▶ Increase privacy and security of cul-de-sac





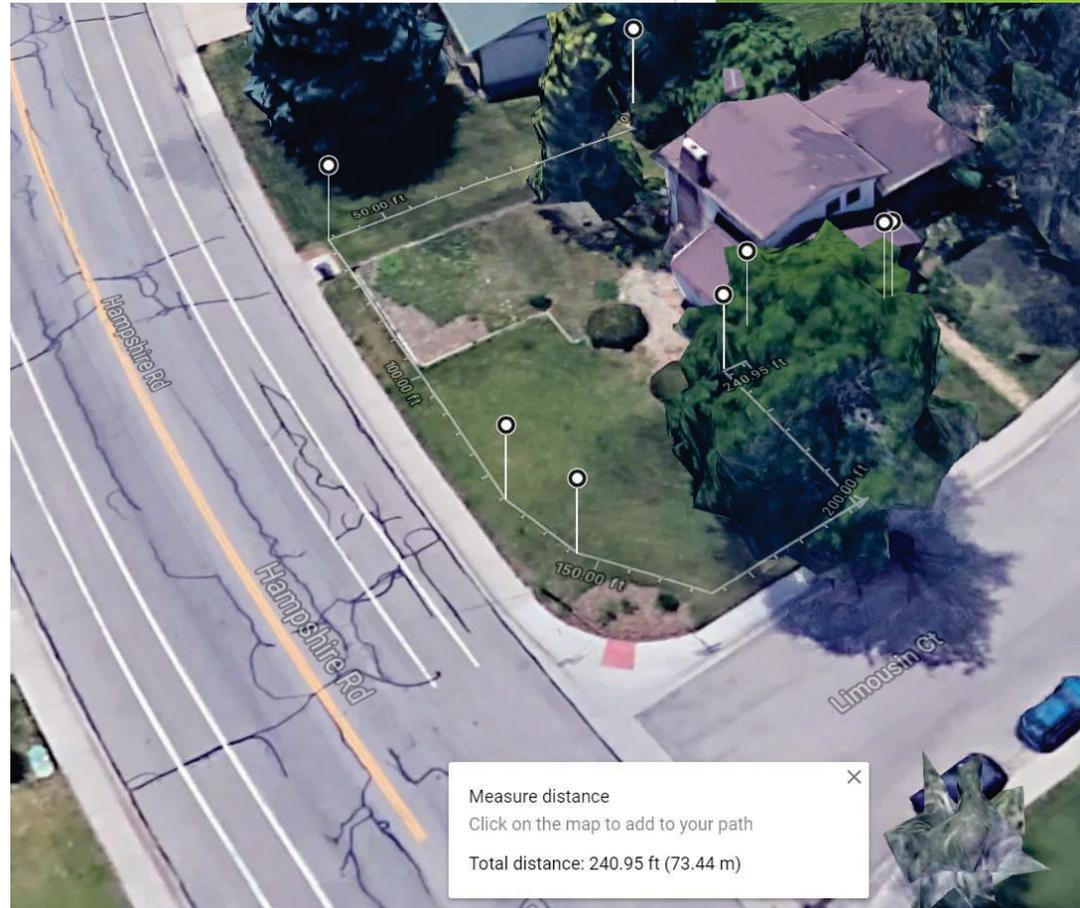
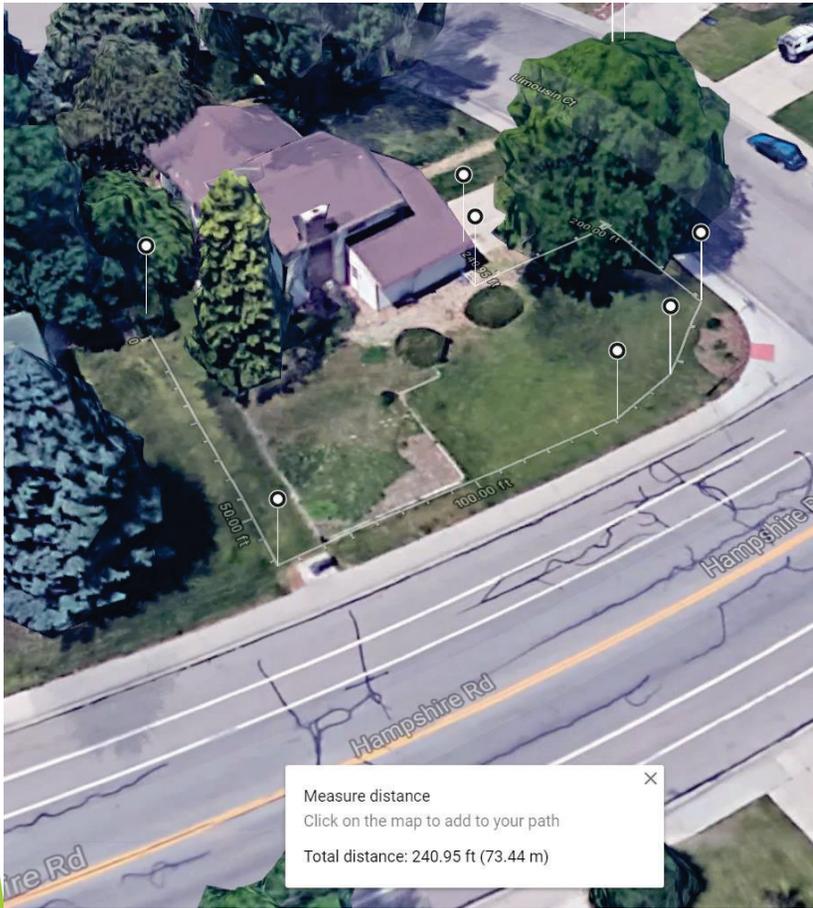
Distances and final fence shape dependent upon what Fort Collins city engineers deem safe for driving visibility.



Est. Safe Sight Triangle



Proposed Fence to Fit Safe Triangle



Other Properties

- ▶ The Brown Farm neighborhood (and others)
- ▶ There are multiple houses near this house that have 6-foot fences which extend beyond the face of the garage
- ▶ They aren't typically the same property
 - ▶ The fence in front of the face of the garage is usually that of another's backyard fence
- ▶ BUT... the aesthetics are the same
- ▶ The visuals of our property's fence with the variance will fit with the rest of the neighborhood
 - ▶ It will not stand out as an exception to any rules
- ▶ The following slides will demonstrate these visuals



House with fence in front of garage face





House with fence in front of garage



House with fence in front of garage



House with fence in front of garage



House with wrap-around fence

House with similar wrap-around fence on Hampshire/Cotswold



Similar corner to fit safety sight triangle



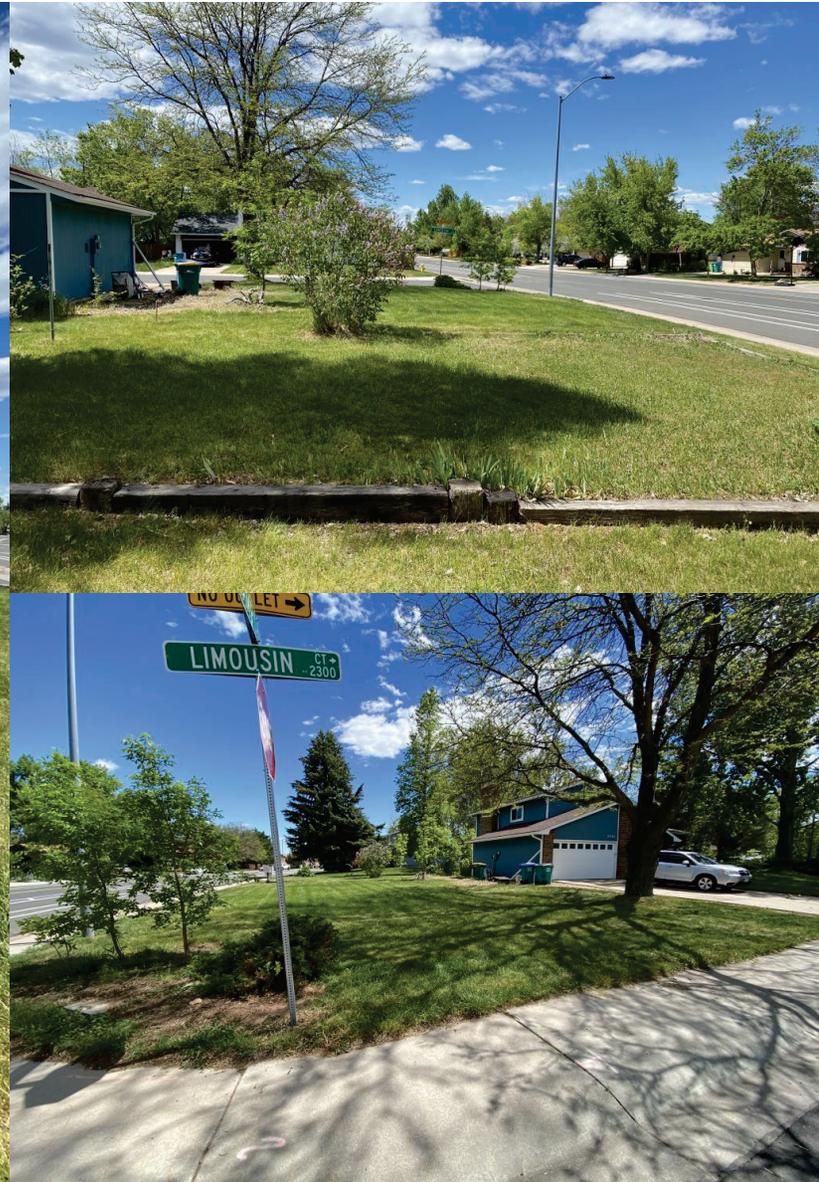


Back of House -
Minimal usable space



Side-yard space to be fenced in

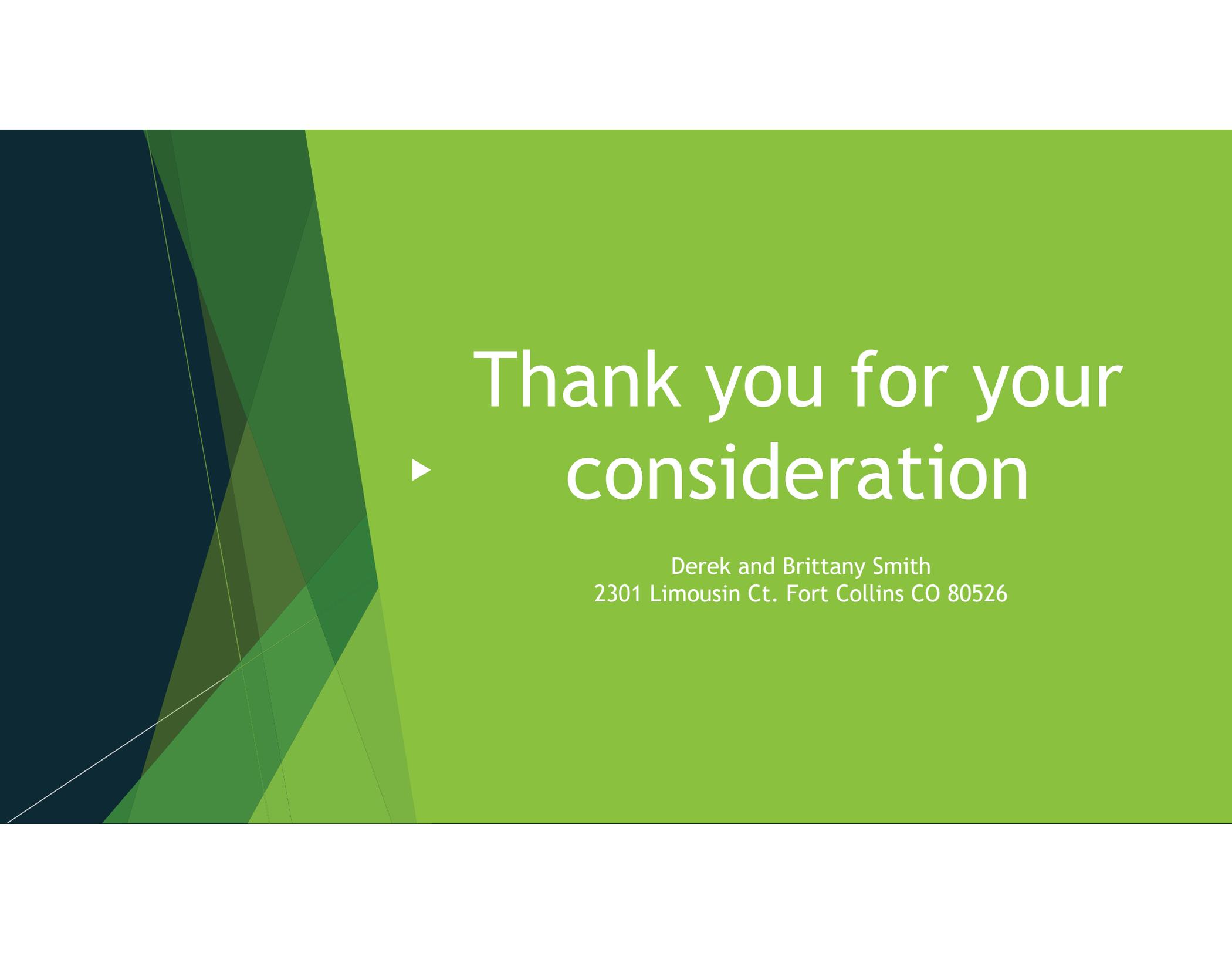
- Much more usable “back” yard
- Fence will still fit “Safety Triangle” requirements for the corner
- This view of the house contributes very little to the aesthetics of the sidewalk / street view





Curbside Aesthetics NOT impacted

- This is the view of the house that will NOT be impacted by the construction of the proposed fence
- The fence will improve the aesthetics and security of the cul-de-sac by blocking part of the main thoroughfare
- We have reached out to our neighbors and they either want the fence as well or don't care



▶ Thank you for your
consideration

Derek and Brittany Smith
2301 Limousin Ct. Fort Collins CO 80526

HAMPSHIRE RD ← 2300

WINDY HILL

















2501



STOP

2501



WALKER STREET

STOP

2301



HAMPSHIRE RD
2300

STOP



HAMPSHIRE RD 2300

STOP

I have attached two pictures of examples for the planned landscaping that will be installed between the fence and sidewalk. The plan is to install xeriscaping utilizing native plants that are very low maintenance. One picture shows an example of the run that will be between the fence and sidewalk on both the north and east side of the house. It will be large river rock with drought resistant plants. The other picture has more color and plants and will be installed on the corner within the "safe-sight" triangle. The plants will again be low maintenance and less than 24' high so as to provide good visibility for drivers.



Jennifer Luther

From: Noah Beals
Sent: Thursday, August 06, 2020 2:33 PM
To: Jennifer Luther
Subject: FW: [EXTERNAL] Appeals reference # ZBA200027

From: brian trout <brian.n.trout@gmail.com>
Sent: Wednesday, August 5, 2020 9:08 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Appeals reference # ZBA200027

To whom it may concern,
I would like to give my support to the request for a variance to build a 6-foot fence between the front of the building and the property line. The maximum allowed in the front yard is 4 feet. The property owner is Derek Smith. The address of the property is 2301 Limousin Ct.

I have been a resident 2324 Limousin Ct for 29 years. I believe the variance deserves your approval because of the exceptional situation Mr. Smith faces with the layout of his property, which sits on the corner of Limousin Ct. and Hampshire Road. The south side of his lot is barely 10 feet from their neighbor's property. The west side is only slightly larger. The largest area available on his lot is the east side that fronts on Hampshire Road, the busy artery that feeds into the Brown's Farm neighborhood. If he is to have any privacy from this busy street, he would need to have a 6-foot tall fence. But restricting him to only using half of that area would not be fair. I understand he has asked to extend the fence to the end of the driveway, a distance of approximately 16 feet. This is inconsequential when considered in the context of the neighborhood and does not result in a substantial detriment to the public good.

Thank you for your consideration,

Brian Trout

Jennifer Luther

From: Noah Beals
Sent: Thursday, August 06, 2020 2:27 PM
To: Jennifer Luther
Subject: FW: [EXTERNAL] Hearing #ZBA200027

-----Original Message-----

From: Jenny Lansford <jendo4@yahoo.com>
Sent: Thursday, August 6, 2020 2:18 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Hearing #ZBA200027

To Whom it my concern,

My name is Jennifer Lansford and I live at 2330 Hampshire Rd. My house is directly to the East of Derek and Britney Smith's residence at 2301 Limousine Ct.

My husband and I are in full support of them building a fence to surround their side/front yard. We have lived at this address for almost 15 years and have always thought that their house would look nice with a fence.

The Smith's yard is located next to our neighborhood mailbox and on multiple occasions we have witnessed people throwing trash and letting their dogs leave waste in their yard while checking the mail and not picking it up.

We feel the fence will help with this and make the neighborhood cleaner and look more presentable.

Please feel free to reach out if you need anything else.

Thank you,
Jennifer Lansford
jendo4@yahoo.com
970-218-8074

Sent from my iPhone

From: [Noah Beals](#)
To: [Kacee Scheidenhelm](#); [Jennifer Luther](#)
Subject: FW: Public Hearing ZBA200027 2301 Limousin Ct.
Date: Tuesday, July 7, 2020 5:09:54 PM

From: RANDY JAN WICK <JANBRONCOFAN@msn.com>
Sent: Tuesday, July 7, 2020 3:47 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Public Hearing ZBA200027 2301 Limousin Ct.

Hello,

I am contacting you in regards to the upcoming hearing on July 9, 2020 for the requested variance to the fencing regulations for 2301 Limousin Ct.

My husband and I are the property owners of 2336 Hampshire Rd which is located directly east of the location where they want to erect the unlawful fence. We are very much opposed to them running the fence all the way beyond the front of the house and garage. Our house, other homes, and people driving down Hampshire Rd. will have a very unsightly view if they are allowed to bypass the normal rules. We have a fairly small yard and I would imagine it would be alot bigger and more secure and private if we put a 6 foot privacy fence out to the street!

They contest that they have a hardship due to the fact that the area directly behind their house is fairly shallow. However, their back porch is on the southeast corner which easily gives them access to both their back and side yard to the east. If they build their fence to meet the standards they would still have a really good sized fenced yard and it would be larger than many if not most of the other yards in the neighborhood. Their request is not warranted.

The examples of other homes in the area that they provided is not the same situation at all.

They mentioned that they had reached out to neighbors who either liked the idea or didn't care. Well, they haven't reached out to us and we DO care. We definitely do not think it would be good for the neighborhood or that they should be entitled in any way to bypass the fencing standards that were made for a reason. This type of variance is detrimental to the area and it does not meet the requirements for your approval.

Thank you,
Jan and Randy Wick

STAFF REPORT **August 13, 2020**

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA200028

PROJECT DESCRIPTION

Address: 4610 Player Dr.

Owner: Dan and Brianna Brown

Petitioner: Jeff Hansen

Zoning District: U-E

Code Section: 3.5.2(E)(5)

Variance Request:

This is for a variance to build an 852 square foot addition to the existing 768 square foot garage for a total of 1620 square feet, 420 square feet over the allowed 1200 square feet.

COMMENTS:

1. Background:

The property is property which was platted in County in 1965. The primary building was built in 1971. The original platted lot was over an acre in size. In time, the additional public right of way was obtained for the enlargement of Harmony Road. The city as also recently purchased an easement on the property to build a sidewalk.

In the U-E zone district the minimum lot size is a half-acre. With a larger minimum lot size the setbacks are greater as well. The existing garage does encroach into the setback, however, the proposed addition will meet the setbacks and does not increase the setback encroachment.

Also, in the U-E zone district, accessory buildings are limited to size based on the parcel size.

Parcel Size	Accessory Building Size
20,000 sf or less	800 sf
Between 20,000 and 1 acre	1,200 sf
Greater than 1 acre	6% of the parcel size

The east abutting property is a place of worship. The parking lot of the place of worship is closest to the shared property line.

2. Applicant's statement of justification: See petitioner's letter.

3. Staff Conclusion and Findings:

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public good.
- The addition does not encroach into the setback.
- The addition is in between the primary house and the south property line.

- A parking lot exists along the east property line on the abutting neighbor.
- The primary structure is 2-story, and the addition is subordinate in height and size.

Therefore, the variance request will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code as contained in Section 1.2.2. Additionally, the variance request may be granted due to a hardship of the lot not caused by the applicant and a strict application of the code results in a practical difficulty upon the applicant.

4. Recommendation:

Staff recommends approval of APPEAL ZBA200028.



Application Request for Variance from the Land Use Code

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Zoning Board of Appeals shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner’s Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	4610 Player Drive	Petitioner’s Name, if not the Owner	Jeff
City	Fort Collins, CO	Petitioner’s Relationship to the Owner is	Architect
Zip Code	80525	Petitioner’s Address	419 Canyon Ave, Suite 200
Owner’s Name	Dan and Brianna Brown	Petitioner’s Phone #	(970) 224-1191
Code Section(s)	3.5.2(E)(5)	Petitioner’s Email	jeff@vfla.com
Zoning District	UE	Additional Representative’s Name	
Justification(s)	3. Nominal and inconsequential	Representative’s Address	
Justification(s)	Additional Justification	Representative’s Phone #	
Justification(s)	Additional Justification	Representative’s Email	
Reasoning If not enough room, additional written information may be submitted	(Please see attached letter)		

Date July 13, 2020

Signature



Strength in **design**. Strength in **partnership**. Strength in **community**.

07-13-2020

City of Fort Collins
Zoning Board of Appeals
281 North College Avenue
Fort Collins, CO 80524

RE: Variance Request for 4610 Player Drive

To Whom it May Concern,

On behalf of my clients, Dan and Brianna Brown, I am requesting a variance to Land Use Code section 3.5.2(E)(5) regarding the maximum size of a detached accessory building.

My clients would like to build an 852 sq ft addition to an existing 768 sq ft detached garage located at 4610 Player Drive. The completed garage would be 1620 sq ft. The maximum allowable floor area for a detached accessory building is 1200 sq ft on lots that are between 20,000 sq ft and 1 acre.

The proposed addition will not be detrimental to the public good and will not diverge from the standards except in a nominal and inconsequential way when considered in the context of the neighborhood for the following reasons:

The lot at 4610 Player Drive is 0.985 of an acre which is just 1.5% less than 1 acre. The maximum allowable floor area for a detached accessory building on lots that are larger than 1 acre in size is 6% of the total lot area. 6% of the lot area at 4610 Player drive is 2496 sq ft and the proposed completed garage would only be 1620 sq ft which is 35% less than the maximum if this lot were allowed the 6% for detached accessory buildings.

Additionally, this property, was 1.11 acres until recently. An area 0.13 acres in size was conveyed to the Department of Highways which shifted the north property line and effectively reducing the lot to 0.98 of an acre.

For these reasons we feel the addition garage floor area is nominal and inconsequential. Please review the attached Site Plan on Sheet A1 and the Exterior Elevations on Sheet A2.

Thank you for your time in considering our variance request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeff Hansen', written over a white background.

Jeff Hansen – VFLA, Inc.
419 Canyon, Ave
Fort Collins, CO 80521
(970) 224-1191

VAUGHT FRYE LARSON ARONSON **architects**

419 Canyon Ave, Suite 200 ■ Fort Collins, CO ■ 970.224.1191
108 East Lincolnway ■ Cheyenne, WY ■ 307.635.5710
www.vfla.com

STAFF REPORT August 13, 2020

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA200029

PROJECT DESCRIPTION

Address: 320 Willow St.

Petitioner/Owner: Lance DeBar

Zoning District: D

Code Section: 4.16(B)(1)

Variance Request:

In October of 2018, the Zoning Board of Appeals approved a variance request to rebuild a shed in its existing location. The structure was not built before the approval expired. Since the last approval the property was re-zoned and the required setbacks changed.

This is an application for the same location that was previously approved. The variance will allow a 4-foot encroachment into the required 5-foot rear yard setback.

COMMENTS:

1. Background:

The property’s primary building was built in approximately 1899. It is uncertain when the accessory building was built.

Recently, a development project was approved on the abutting property to the north. This project is for a 5-story mixed-use building. The project results in a 21-foot tall wall setback which is 0 feet from the property line that abuts 320 Willow Street’s rear yard, and a 37-foot tall wall setback which is 0 feet that abuts the side yard.

320 Willow Street is a single-family detached dwelling. This use requires an 8-foot setback from the rear property and a 5-foot setback from the side property line. In this case, the rear and side property are shared by the approved development project that has a 0-foot setback.

The existing shed that is setback 1 foot from both property lines was demolished to construct the abutting development project. Once a nonconforming structure is self-demolished, it can only be rebuilt in compliance with current standards.

2. Applicant’s statement of justification: See petitioner’s letter.

3. Staff Conclusion and Findings:

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public good.
- The existing shed has enjoyed the same 4-foot encroachment.
- The 21-foot tall wall and 37-foot tall wall of the new development will not be impacted by the 11-foot tall shed.

Therefore, the variance request will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code contained in Section 1.2.2

4. **Recommendation:**

Staff recommends approval of APPEAL ZBA200029



Application Request for Variance from the Land Use Code

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Zoning Board of Appeals shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner’s Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	320 Willow Street	Petitioner’s Name, if not the Owner	
City	Fort Collins, CO	Petitioner’s Relationship to the Owner is	
Zip Code	80524	Petitioner’s Address	PO Box 352 LaPorte, CO 80533
Owner’s Name	Lance DeBar	Petitioner’s Phone #	303-746-1131
Code Section(s)	3.5.2.E (3)	Petitioner’s Email	lancedebar@gmail.com
Zoning District	R-D-R	Additional Representative’s Name	Derek Breier
Justification(s)	3. Nominal and inconsequential	Representative’s Address	141 Racquette Dr., Ft. Collins
Justification(s)	2. Equal to or better than	Representative’s Phone #	
Justification(s)	1. Hardship	Representative’s Email	d.breier@saundersheath.com
Reasoning If not enough room, additional written information may be submitted	See attached.		

Date 6/1/2020

Signature Lance DeBar

Reasoning for Request for Variance from the Land Use Code

NOTE: This application is a request for reinstatement of an expired approved variance issued on Oct. 18, 2018. The building of the structure was not able to be completed due to construction needs of Confluence. Construction of Confluence has been completed in April 2020 and no longer impedes upon the property of 320 Willow allowing for the construction of the detached structure to begin.

In order to build the new building, Confluence, at the corner of Willow and Linden (DCP 18-23) the detached structure located in the NE corner of the property at 320 Willow St., will need to be taken down. We request to rebuild the structure in the same location and size once the new building is complete.

We are requesting a variance to code 3.5.2.E (3) regarding setbacks. The structure will have minimal set back (<1') from the lot lines and will be approx. 15' wide by 20' long by 11' tall for a total of 300sf. This will be a variance to codes 3.5.2.E.(3) which requires at 5' setback to the side lot line and 12' setback from the rear lot line because the building is over 8' tall. The lot size is approx. 4950sf so the foot print of the garage (300sf) is within the code standards.

1. Considering the impact on the property at 320 Willow St., this variance will be nominal and inconsequential to the new building and any other neighbors. The new structure will not have any windows or openings that will be impacted. Two of the four sides will be up against a new building in areas where no doors or windows are located. The other two sides face the backyard and are not clearly visible from the street.
2. The new structure will meet building code including new concrete slab, new framing and new roof. All building code requirements will be met, the building currently does not meet code. The General Contractor has committed to the owner of 320 Willow to build this structure as compensation for the necessity to take it down for new construction.
3. The property at 320 Willow St. is truly being affected by this new building, which will have multi story CMU/Siding walls on two sides of the property. The owner is being asked to loose usable space that otherwise would not need to be removed. It is reasonable to provide the owner the same space in return. If the land use code was followed for setbacks and size, the owner would lose a large amount of the yard.

From: [Noah Beals](#)
To: [Marcha Hill](#); [Kacee Scheidenhelm](#)
Subject: FW: Zoning Appeal # ZBA180039
Date: Thursday, October 04, 2018 4:45:19 PM

From: Randy Shortridge <rshortridge@auworkshop.co>
Sent: Thursday, October 04, 2018 8:09 AM
To: Noah Beals <nbeals@fcgov.com>
Cc: Jason Kersley <jkersley@auworkshop.co>
Subject: Zoning Appeal # ZBA180039

To Members of the Zoning Board of Appeals,

Jason Kersley and myself are the sole owners of 401 and 405 Linden Street which adjoin 320 Willow Street on the southeast and northeast.

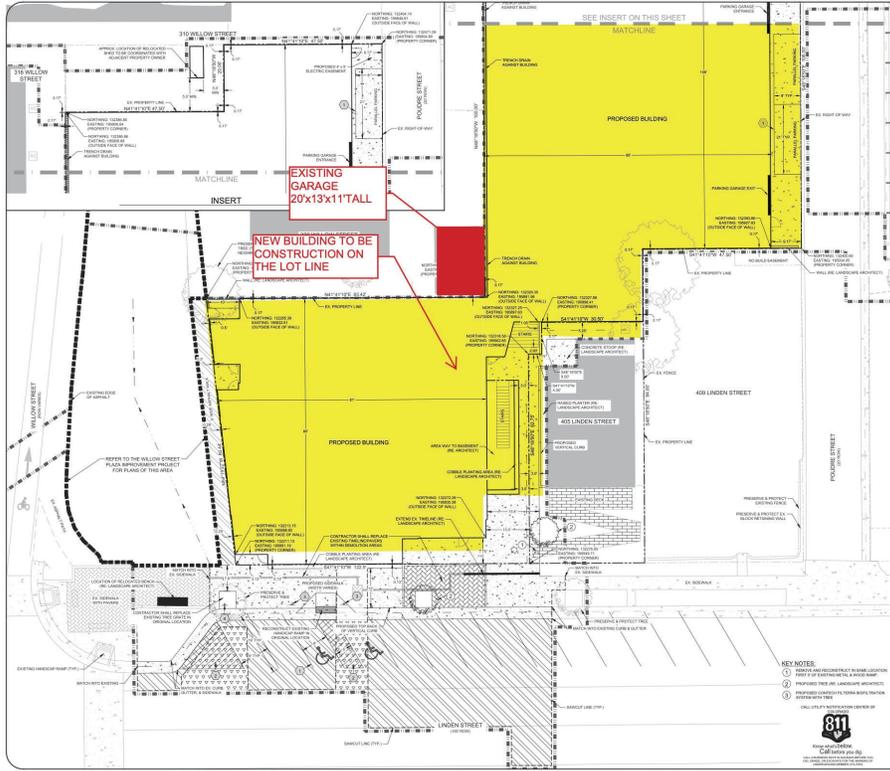
The existing shed has stood in its current location for many decades and rebuilding it in the same location will have no adverse effects of any kind on our adjacent properties now or in the future.

We support Mr. Debar's appeal and have no objections whatsoever to the requested variance/modification.

Best regards,

RANDY SHORTRIDGE, Member
[SPACE]FOUNDRY, LLC
405 Linden Street
Fort Collins, CO 80524
c: 970.818.1589





LEGEND:

APPROXIMATE DATE OF CONSTRUCTION
 EXISTING RIGHT-OF-WAY PROPERTY LINE
 EXISTING CURB & GUTTER
 PROPOSED UTILITY CURB & GUTTER
 SHARED USE
 LIMITS OF 2011 PLAZA IMPROVEMENTS
 EXISTING CURB
 PROPOSED CONCRETE PAVEMENT
 PROPOSED ASPHALT PAVEMENT (DUAL DRIVE)
 PROPOSED ASPHALT DRIVEWAY
 EXISTING ASPHALT
 EXISTING ELECTRIC VAULT
 EXISTING FIVE HYDRANT
 EXISTING TREES

STRIPING AND SIGNAGE LEGEND:

① PROPOSED 4' SIDE WHITE LINE
 ② PROPOSED 4' SIDE DASHED YELLOW LINE MARKERS
 ③ PROPOSED UNPAVED PARKING SIGN (P-10) WITH BUSH THE PLAZA
 ④ PROPOSED 2' HIGH PARKING SIGN WITH WHITE STRIPING THROUGH THE PLAZA
 ⑤ PROPOSED 2' HIGH STOP SIGN WITH WHITE STRIPING THROUGH THE PLAZA
 ⑥ PROPOSED 2' HIGH STOP SIGN WITH WHITE STRIPING THROUGH THE PLAZA

NOTES:

1. SEE 2011 LINDEN STREET ELECTRICAL IMPROVEMENTS PLANS AND UTILITY PLAN TO DETERMINE LOCATION OF EXISTING UTILITIES AND TO DETERMINE LOCATION OF PROPOSED UTILITIES.
2. REFER TO WILLOW STREET ELECTRICAL PLANS FOR ALL SITE WORKING AS SHOWN ON THESE PLANS.
3. REFER TO THE USE OF PLAZA/PAVING CHANGES NOTED ON THESE PLANS FOR ALL PLAZA/PAVING CHANGES NOTED ON THESE PLANS.
4. REFER TO THE 2011 LINDEN STREET ELECTRICAL IMPROVEMENTS PLANS FOR ALL ELECTRICAL WORK, INCLUDING THE LOCATION OF ALL EXISTING AND PROPOSED ELECTRICAL UTILITIES AND THE LOCATION OF ALL EXISTING AND PROPOSED ELECTRICAL VAULTS AND MANHOLES.
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KEY NOTES:

1. REFER TO THE 2011 LINDEN STREET ELECTRICAL IMPROVEMENTS PLANS FOR ALL ELECTRICAL WORK.
2. REFER TO THE 2011 LINDEN STREET ELECTRICAL IMPROVEMENTS PLANS FOR ALL ELECTRICAL WORK.
3. REFER TO THE 2011 LINDEN STREET ELECTRICAL IMPROVEMENTS PLANS FOR ALL ELECTRICAL WORK.

CALL UTILITY WORKING CENTER OF
 811

City of Fort Collins, Colorado
 UTILITY PLAN APPROVAL

APPROVED: City Engineer
 DECISION BY: "City Engineer" Utility
 DECISION BY: "City Engineer" Utility
 DECISION BY: "City Engineer" Utility
 DECISION BY: "City Engineer" Utility

REVIEW SET
NOT FOR CONSTRUCTION

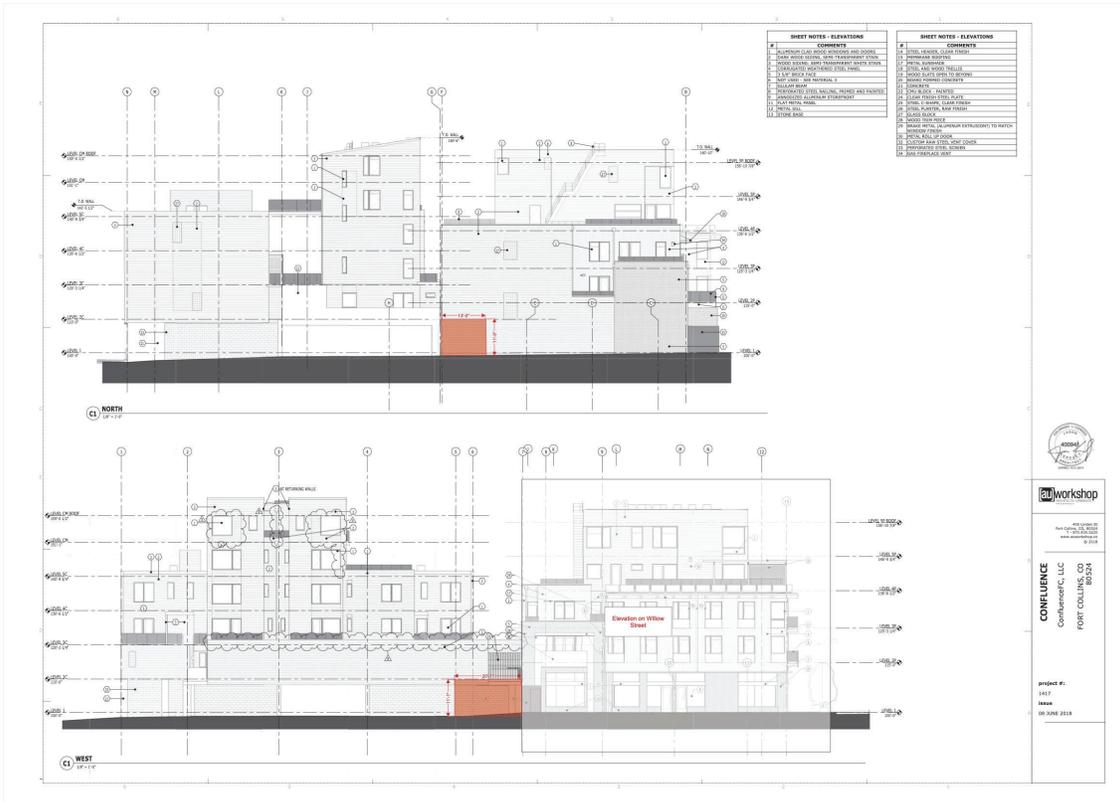
NORTHERN ENGINEERS

NE

CONFLUENCE LOT 2
HORIZONTAL CONTROL PLAN

C200

5 of 17



workshop
 ARCHITECTS
 1000 N. 10TH ST. SUITE 100
 DENVER, CO 80202
 (303) 733-1111
 WWW.WORKSHOPARCHITECTS.COM

CONFLUENCE
 CONSUMER C, LLC
 1000 N. 10TH ST. SUITE 100
 DENVER, CO 80202

project #: 2017-1000
 issue: 08 JUNE 2018



12/12/2017 3:52:12 PM - PLOT DATE

VIEW FROM WILLOW ST

VIEW



SHADOW STUDY SUMMER SOLSTICE 2PM

SHADOW STUDY SPRING EQUINOX 2PM

SHADOW STUDY WINTER SOLSTICE 2PM

SHADOW STUDY SPRING EQUINOX 10AM

VERTICAL SCALE: 1/8" = 1'-0" DATE:



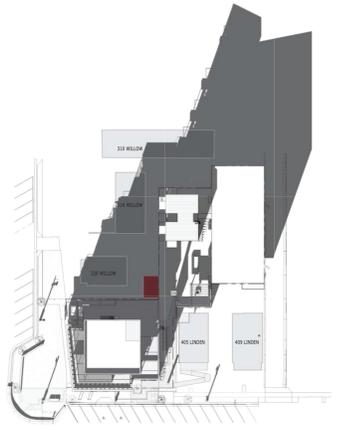
401 Linden St
 Fort Collins, CO, 80525
 www.audworkshop.com
 © 2017

CONFLUENCE
 SPACE FOUNDRY
 401 LINDEN ST
 FORT COLLINS, CO
 80524

project #:
 1417
 issue date:
 11 January 2017

SHADOW STUDIES
DR06
 SCHEMATIC
 DESIGN

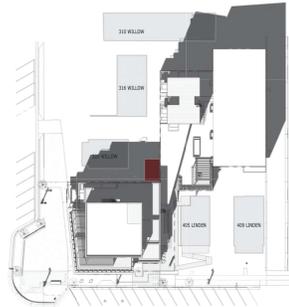
BRUNNEN & ASSOCIATES ARCHITECTS -- PHOTO DATE



SHADOW STUDY WINTER SOLSTICE 11AM
1" = 1/8" = 0'



SHADOW STUDY SUMMER SOLSTICE 11AM
1" = 1/8" = 0'



SHADOW STUDY SPRING EQUINOX 12PM
1" = 1/8" = 0'



401 Linden St.
Fort Collins, CO 80521
www.brunnen.com
© 2017

CONFLUENCE
SPACE FOUNDRY
401 LINDEN ST
FORT COLLINS, CO
80524

project #: 1417
issue date: 11 January 2017

SHADOW STUDIES
DR07
SCHEMATIC
DESIGN

STAFF REPORT

August 13, 2020

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA200030

PROJECT DESCRIPTION

Address: 2720 Nottingham Sq.

Petitioner/Owner: Sue Kenney

Zoning District: R-L

Code Section: 4.4(D)(2)(b)

Variance Request:

This is a request for the front deck to encroach 6 feet into the required 20-foot front setback, leaving a 14-foot setback.

COMMENTS:

1. **Background:**

The property was platted in 1979 and the primary structure was built in 1984. The front door was built facing the side property line.

Structures attached to the primary house are required to obtain a building permit. When a building permit is required for such structures, Land Used Code setbacks are required to be met.

The proposed deck will be attached to the house and the means of access to the front door. The deck is not covered. The portion that would encroach into the setback is 2 feet above grade and includes a 3-foot handrail. The new deck will lead to both the existing driveway and the public sidewalk.

Across the street is a neighborhood park.

2. **Applicant's statement of justification:** See petitioner's letter.

3. **Staff Conclusion and Findings:**

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public good.
- The deck is open on three sides and is not covered.
- The encroaching portion of the deck is 2 feet above grade with a semi-transparent handrail.

Therefore, the variance request will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code contained in Section 1.2.2

4. **Recommendation:**

Staff recommends approval of APPEAL ZBA200030



Application Request for Variance from the Land Use Code

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Zoning Board of Appeals shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner’s Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

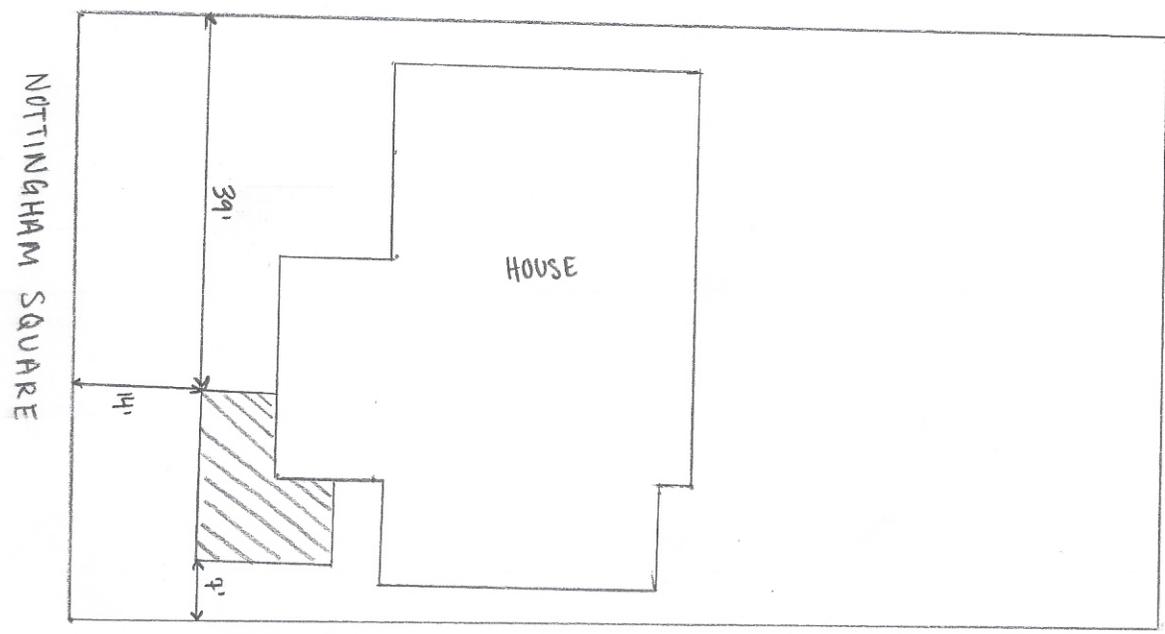
Variance Address	2720 Nottingham Square	Petitioner’s Name, if not the Owner	Sue Kenney
City	Fort Collins, CO	Petitioner’s Relationship to the Owner is	
Zip Code	80526	Petitioner’s Address	2720 Nottingham Square
Owner’s Name	Sue Kenney	Petitioner’s Phone #	970-443-0071
Code Section(s)		Petitioner’s Email	
Zoning District	Low Density Residential District	Additional Representative’s Name	Tad Bjorlie
Justification(s)	3. Nominal and inconsequential	Representative’s Address	1448 Antero Dr
Justification(s)	Additional Justification	Representative’s Phone #	970-663-2868
Justification(s)	Additional Justification	Representative’s Email	sales@tnthomeimprovements.com
Reasoning If not enough room, additional written information may be submitted	New front patio for better access to entrance of home		

Date

Signature

Kenney
2720 Nottingham Sq
Fort Collins, CO 80526

1" = 20' ↑ N



▨ Proposed deck

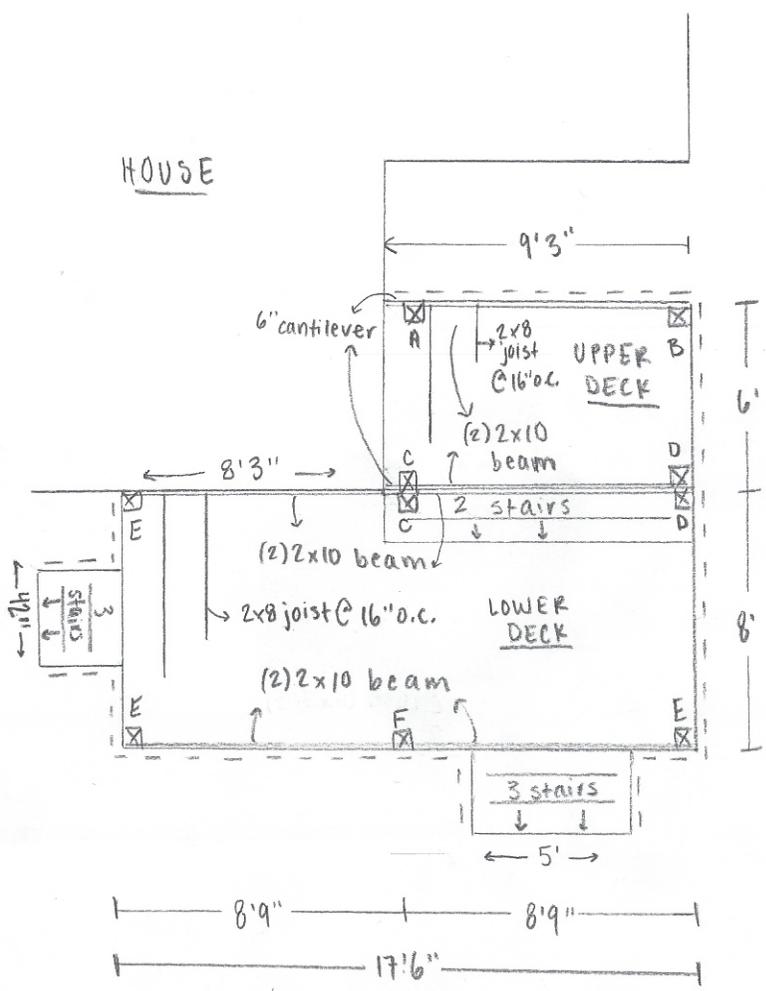
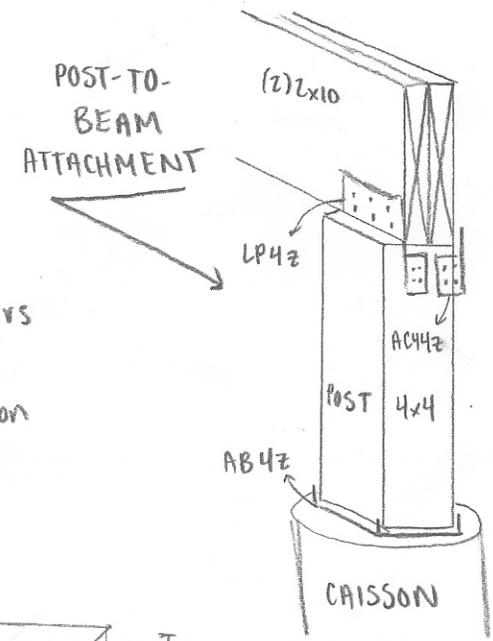
Kenney

2720 Nottingham Sq
Fort Collins, CO 80526

1/6" = 1'

DECKS

- ☑ 4x4 posts on (see trib area for caisson size)
- All framing treated SYP #1
- All hardware galvanized metal
- Stone Ash decking (composite)
- Extended 4x4 posts (composite wrap) connected w/ 2x4's (composite wrap) - all spacing to code
- Gripable handrail on (2) 3 sets of stairs
- 42" stairs lead to existing sidewalk, 5' stairs lead to newly poured sidewalk
- Install 12" sided wall underneath front portion



TRIB AREA

- A: $4.88' \times 3' = 14.64' \rightarrow 14'' \times 30''$
- B: $4.38' \times 3' = 13.14' \rightarrow 14'' \times 30''$
- C: $(8.75' \times 4') + (4.88' \times 3') = 49.64' \rightarrow 19'' \times 30''$
- D: $4.38' \times 7' = 30.66' \rightarrow 16'' \times 30''$
- E: $4.38' \times 4' = 17.52' \rightarrow 14'' \times 30''$
- F: $8.75' \times 4' = 35' \rightarrow 16'' \times 30''$

