



Development Review Center
281 North College Avenue
PO Box 580
Fort Collins, CO 80522-0580
970-221-6689
fcgov.com/DevelopmentReview

September 23, 2020

Taylor Meyer
419 Canyon Ave, Suite 200
Fort Collins, CO 80521

RE: Variance request for 65 Circle Drive, ZBA200035 – CDNS Director’s Decision

Dear Mr. Meyer:

On August 12, 2020 the City of Fort Collins Development Review Division received and processed a request for a variance for the property addressed 65 Circle Drive. The variance request is a Community Development and Neighborhood Services (CDNS) Director review and decision. A basic description of the requested variance is to build an addition to the rear of the primary building matching an existing 6” encroachment into the required 5’ side-yard setback. This request has been processed in accordance with Section 2.10 – Variances, of the City of Fort Collins Land Use Code pursuant to the applicable standards in the Land Use Code.

The CDNS Director hereby makes the following findings of fact:

1. The request is not detrimental to the public good.
2. The proposed addition matches the existing encroachment.
3. The encroachment is less than 10% of the total required setback
4. The addition is 12’ or 10% of the length of the north property line.
5. The 6” encroachment is visually indiscernible.

Therefore, the variance request will 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.

Based on these findings of fact, the CDNS Director of the City of Fort Collins makes the following decision:

DECISION: Approved DATE: 09/23/2020

A handwritten signature in blue ink, appearing to read "Paul Sizemore", written over a horizontal line.

Paul Sizemore
Interim Director of Community Development & Neighborhood Services

This final decision of the CDNS Director may be appealed to the Zoning Board of Appeals, in accordance with Article II, Division 2.10.4(L) of the Land Use Code, within 14 calendar days of the date of final decision by the CDNS Director.



NAME
ADDRESS
FORT COLLINS, CO 805243313

NOTICE OF VARIANCE REQUEST

August 28, 2020

The purpose of this letter is to inform you of a request for a variance from the City of Fort Collins Zoning Code.

As part of the procedure for a person requesting a variance of the Zoning Code, that is reviewed and approved by the Community Development and Neighborhood Services (CDNS) Director, nearby residents and property owners are notified two weeks prior to a decision. The CDNS Director has been established to hear certain cases, where: (1) by reason of exceptional situations or circumstances, the strict application of the regulation would result in peculiar and practical difficulties or exceptional undue hardship upon the owner of such property; (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; or (3) the proposal will not diverge from the standards of the Land Use Code except in nominal, inconsequential way when considered in the context of the neighborhood, provided that the granting of a variance would not result in a substantial detriment to the public good.

As an adjacent property owner, your input would be appropriate in the consideration of this variance request.

Those interested in providing feedback or have questions of the variance request may contact City staff member Noah Beals at nbeals@fcgov.com.

The Application for the Variance Request will be available for viewing at: <http://www.fcgov.com/cityclerk/zoning-appeals.php>.

If you are disabled and need assistance to participate, please call (970) 221-6760.

If you have any questions, feel free to contact the following.

Noah Beals
Senior City Planner-Zoning
970-416-2313

NOTICE OF VARIANCE REQUEST

This type of variance request is reviewed and approved by the Community Development and Neighborhood Services Director. There will not be a public hearing.

REQUEST INFORMATION

Appeal: ZBA200035

Address: 65 Circle Drive

Owner: Craig Ellsworth, Sawtooth Homes

Petitioner: Taylor Meyer, VFLA Inc.

Zoning District: N-C-L

Code Section: 4.7(E)(4)

PROPOSAL DESCRIPTION

This is a request for an addition to the rear of the primary building. The existing building encroaches 6 inches into the required 5 foot side-yard setback. The proposed addition is designed to match the existing encroachment.



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

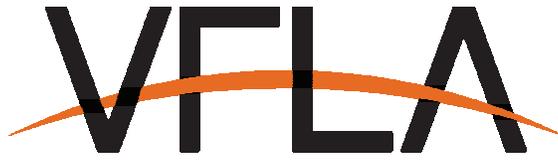
Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

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

Variance Address	65 Circle Drive	Petitioner’s Name, if not the Owner	VFLA Inc. - Taylor Meyer
City	Fort Collins, CO	Petitioner’s Relationship to the Owner is	Architect
Zip Code	80524	Petitioner’s Address	419 Canyon Ave, Suite 200
Owner’s Name	Sawtooth Homes - Craig Ellsworth	Petitioner’s Phone #	(970) 224-1191
Code Section(s)	4.7(E)(4)	Petitioner’s Email	taylor@vfla.com
Zoning District	NCL Zone District	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 8/25/2020

Signature



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

08-25-2020

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

RE: Variance Request for 65 Circle Drive

To Whom it May Concern,

On behalf of my client, Craig Ellsworth of Sawtooth Homes, I am requesting a variance to Land Use Code section 4.7(E)(4) regarding the minimum side yard setback.

My client would like to renovate an existing residence located at 65 Circle Drive and add a room on the east side of the residence. The existing north wall of the structure is currently built 4'-6" away from the north property line. The renovation project proposes demolishing a 23' length of the north wall and rebuilding it for structural reasons. (The new roof design requires a taller wall and to protect against lateral loading the wall needs to be rebuilt as one taller wall instead of building a pony wall atop the existing wall which would introduce a hinge-point weakness.) The new wall will be built in the same location at 4'-6" from the north property line to avoid more site disturbance that would result from removing the old foundation to pour a new foundation 6" away to meet the 5' setback requirement. The new wall also provides the opportunity for 2x6 stud wall construction with better insulation than the existing 2x4 stud wall construction.

In addition to rebuilding the 23' length of existing wall the new design proposes an addition on the east side of the house for a larger, more functional kitchen and a dining area. The 12' long north wall of the addition would also be 4'-6" away from the north property aligned with the rebuilt north wall of the house.

The proposed renovation and 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 proposed north wall of the renovation and addition is no closer to the north property line than the existing north wall of the residence. The new wall will be more structurally sound and provide better insulation than the existing wall construction.

For these reasons we feel the 6" encroachment into the 5' setback is nominal and inconsequential. Please review the attached plans, elevations and site survey.

Thank you for your time in considering our variance request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Taylor Meyer', written over a horizontal blue line.

Taylor Meyer – VFLA, Inc.
419 Canyon Ave, Suite 200
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

GENERAL CEILING NOTES

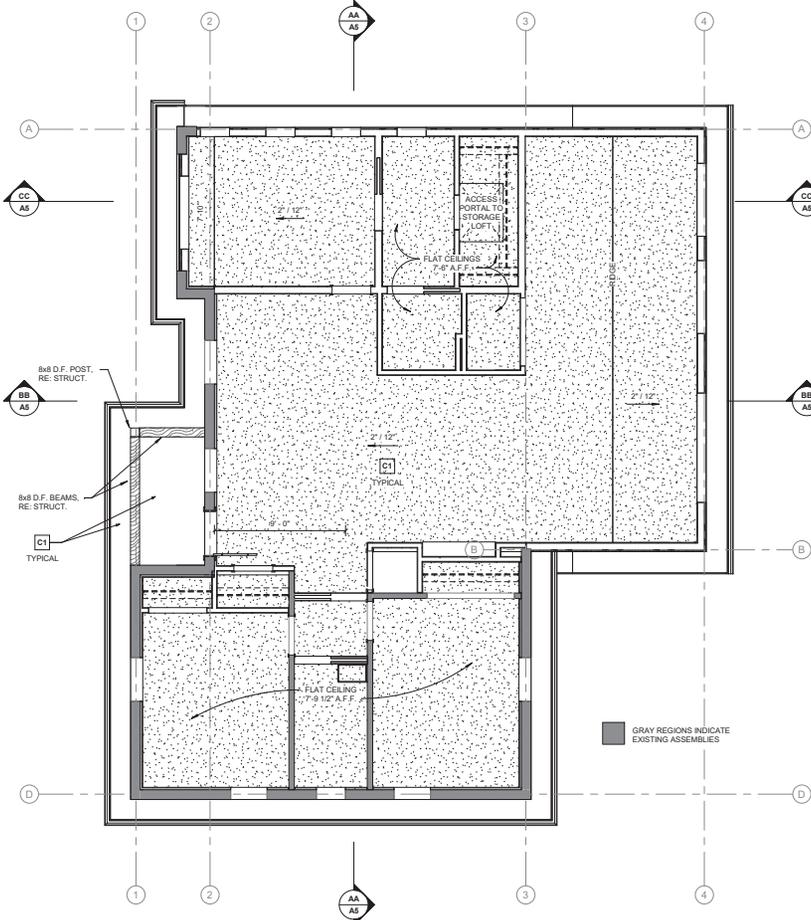
- CEILING HEIGHTS AS NOTED ON THIS PLAN, REFERENCE INTERIOR ELEVATIONS FOR GYP. BOARD SOFFIT HEIGHTS. ALL CEILING HEIGHTS TO E.O. STRUCTURE UNLESS NOTED OTHERWISE. COORDINATE ALL MECHANICAL, ELECTRICAL, AND FIRE SUPPRESSION SYSTEMS THAT INTERFACE WITHIN CEILING.
- IT IS THE RESPONSIBILITY OF THE MECHANICAL AND ELECTRICAL SUBCONTRACTORS TO REVIEW ALL OF THE DRAWINGS, INCLUDING ARCHITECTURAL, FOR WORK UNDER THEIR RESPECTIVE CONTRACTS. ROOF PLANS AND REFLECTED CEILING PLANS DESCRIBE MECHANICAL AND ELECTRICAL WORK AS DO OTHER DRAWINGS. NO EXTRAS WILL BE ALLOWED FOR WORK SHOWN IN ANY PART OF THESE DRAWINGS, OR DESCRIBED IN ANY PART OF THE SPECIFICATIONS.
- ALL GYP. BOARD TERMINATION AT MASONRY WALLS SHALL HAVE A 1/4" x 1/4" MOULD REVEAL.

FLOOR AREA ANALYSIS (SQ. FT.)

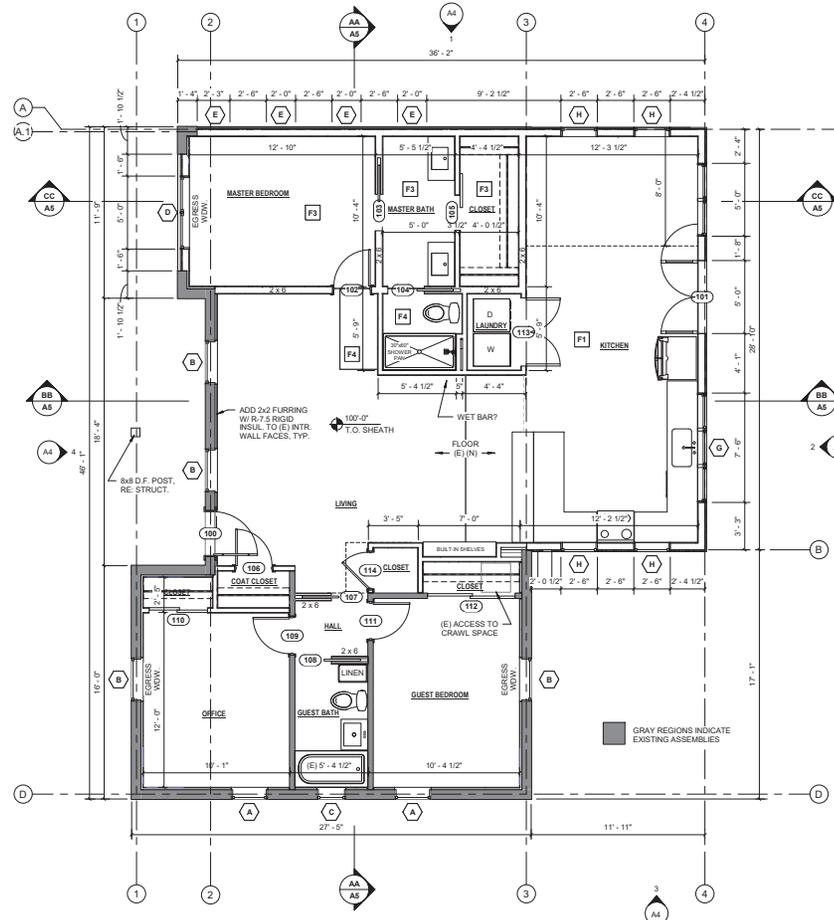
FLOOR AREA	
Name	Area
EXISTING HOUSE	1074 SF
NEW ADDITION	406 SF
TOTAL:	1480 SF
NEW GARAGE	355 SF
TOTAL:	1830 SF

GENERAL NOTES

- DO NOT SCALE DRAWINGS. FIELD VERIFY ALL DIMENSIONS. NOTIFY ARCHITECT IMMEDIATELY WHEN DISCREPANCIES ARE DISCOVERED.
- IT IS THE RESPONSIBILITY OF THE MECHANICAL AND ELECTRICAL SUBCONTRACTORS TO REVIEW ALL OF THE DRAWINGS, INCLUDING ARCHITECTURAL, FOR WORK UNDER THEIR RESPECTIVE CONTRACTS. ROOF PLANS AND REFLECTED CEILING PLANS DESCRIBE MECHANICAL AND ELECTRICAL WORK AS DO OTHER DRAWINGS. NO EXTRAS WILL BE ALLOWED FOR WORK SHOWN IN ANY PART OF THESE DRAWINGS, OR DESCRIBED IN ANY PART OF THE SPECIFICATIONS.
- DIMENSIONS ARE FROM FACE OF STUD. FACE OF MASONRY, OR FACE OF CONCRETE AND TO GRID LINES UNLESS NOTED OTHERWISE. WHERE DIMENSION IS NOTED "CLEAR," DIMENSION IS TO FINAL FINISH.
- VERIFY WINDOW LOCATIONS AND SIZING ON EXTERIOR ELEVATIONS AND FLOOR PLANS.
- FRAME DOOR OPENINGS 8" FROM FACE OF PERPENDICULAR WALL ON HINGE SIDE AT ROOMS UNLESS NOTED OTHERWISE.
- AT FIRE-RATED WALLS WHERE OPENINGS ARE GREATER THAN 16 SQUARE INCHES OR WHERE TOTAL AREA OF OPENINGS EXCEEDS 100 SQUARE INCHES IN 100 SQUARE FEET, WRAH 58 TYPE 'X' GYP. BD. BEHIND OPENINGS PER U.L. DESIGN #410.
- EXTEND GYP. BD. ON WALLS TO UNDERSIDE OF GYP. BD. CEILINGS UNLESS NOTED OTHERWISE.
- PROVIDE BLOCKING WHERE REQUIRED.
- PROVIDE R-13 ACOUSTIC BATT INSULATION AT INTERIOR PARTITIONS SURROUNDING ALL BATHROOMS, BEDROOMS, AND LAUNDRY ROOMS.
- TEST FOR RADON AND MITIGATE AS NEEDED.



2 MAIN LEVEL REFLECTED CEILING PLAN
1/4" = 1'-0"



1 MAIN FLOOR PLAN
1/4" = 1'-0"

PROJECT NUMBER: 2020-57

65 CIRCLE DRIVE RENOVATION

65 CIRCLE DR.
FRYE COLLINS, CO

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

418 Cooper Ave Suite 200, Fort Collins, CO 80521 | 970.224.1191
100 East Loveland, Loveland, CO 80538 | 970.686.8793
www.VFLA.com

IN ASSOCIATION WITH:

WEEKS & ASSOCIATES, INC.
4739 SOUTH COLLEGE AVENUE, SUITE 201
FORT COLLINS, CO 80525
PHONE: (970) 225-2422

VARIANCE REQUEST 08-25-2020

SHEET ISSUANCES

DESCRIPTION	DATE
VARIANCE REQUEST	08/25/2020

REVISIONS

No.	Description	Date

DRAWN BY: XL, XH
CHECKED BY: XL

NOT FOR CONSTRUCTION FOR REFERENCE ONLY

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VAUGHT FRYE LARSON ARONSON ARCHITECTURE + INTERIORS, INC.
THIS DRAWING MAY NOT BE PHOTOCOPIED, SCANNED, TRACED OR
COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF VFLA.

FLOOR PLAN & REFLECTED CEILING PLAN

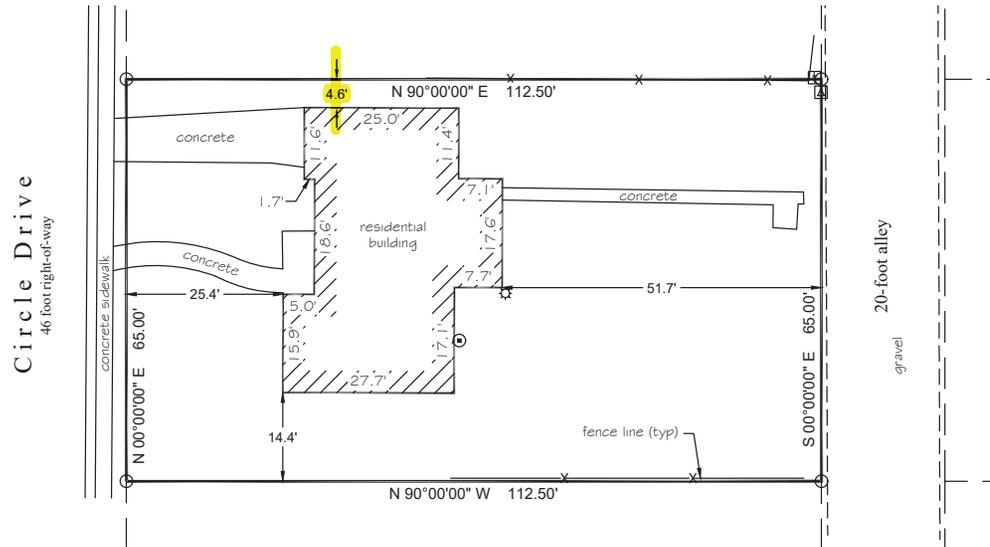
DRAWING NUMBER:

A2

C:\Users\jg\Documents\65 Circle Drive Renovation\1_jg\rfld\027.rvt

8/25/2020 10:10:16 AM

Improvement Survey Plat

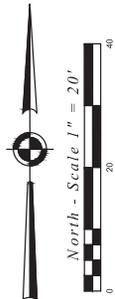


Notes:

- This is not an ALTA/NSPS Land Title Survey.
- No wetlands determinations were made this date.
- No improvements, other than those shown, were located this date.
- Any utilities shown are based on surface evidence only.
- No underground improvements or utilities were located this date.
- This survey is not intended for to be used for engineering design.
- No offsite improvements, other than those shown, were located this date.
- Bearings are based on the north line of Lot 19 as being N 90°00'00" E, an assumed meridian.
- Address: 65 Circle Drive
Fort Collins, CO
- Distances shown are in U.S. Survey Feet
- The total area contains 7,312 square feet (0.168 acres), more or less.

Legal Description (provided by client):

Lot Nineteen,
CIRCLE DRIVE SUBDIVISION OF L.C. MOORE'S THIRD ADDITION to the City of Fort Collins,
County of Larimer, State of Colorado



Legend:

- set 0.5" iron rod with 1" plastic cap stamped LS 32444
- ⊙ light pole
- ⊠ electric box
- ⊞ telephone riser
- ⊙ clean out

SURVEYOR'S STATEMENT

I, M. Bryan Short, a duly registered Professional Land Surveyor in the State of Colorado, do hereby state, to the best of my professional knowledge, information and belief, that this Improvement Survey Plat correctly represents the results of a monumented land survey made by me, or under my direction, and is in accordance with applicable standards of practice. This statement not a guaranty or warranty, either expressed or implied.



NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

#	Date	Revisions	Field Date 7/20/2020	Prepared for:	Project#: 20066.001
			Party Chief ACLW	Craig Ellsworth ◆ PLS Corporation ◆ 532 West 66th Street Loveland, Colorado 80538 Office 970.669.2100 - Info@plscorporation.com	
			Survey Tech ADS		
			Proj. Manager MBS		

From: [Noah Beals](#)
To: [Kacee Scheidenhelm](#)
Subject: FW: ZBA200035 65 Circle Drive Variance
Date: Thursday, September 10, 2020 3:25:12 PM
Attachments: [image004.png](#)
[image009.png](#)

From: Taylor Meyer <Taylor@vfla.com>
Sent: Thursday, September 10, 2020 1:08 PM
To: Noah Beals <nbeals@fcgov.com>
Cc: Craig Ellsworth <craig@sawtoothhomes.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] RE: ZBA200035 65 Circle Drive Variance

Hi Noah,

Thank you for forwarding Sarah Dentoni's comments to us. We appreciate her thoughtful assessment of the proposed remodel project at 65 Circle Drive.

The cost of rebuilding the north wall 6" to the south is actually quite a bit more than rebuilding the wall in the current location. This is because we plan on reusing the existing foundation to rebuild that wall. To build the wall 6" to the south requires demolition of the existing foundation wall and footing, providing proper soil conditioning for a new foundation which will undermine the soil under the existing slab-on-grade floor on that part of the house and potentially requiring a new slab in this area, then pouring a new concrete footing and setting formwork for new concrete stem walls and pouring this new foundation. This is a significant cost increase to just rebuilding the new wall in the same location as the existing wall.

After deciding to build the 23' of wall in the same location we did consider building the new 12' section of wall 6" to the south and therefore introducing a "jog" in the north wall, however we felt this jog wasn't cohesive with the remainder of the design because the rooflines don't reflect that jog in the wall and the roof design doesn't lend itself well to responding to a jog in the wall at this location.

The other reason we'd prefer not to lose those 6" is that it's been determined that this size and style home lends itself well to functioning for a family with accessibility requirements, so we've made several design decisions along the way in an effort to maximize livability of this home for someone with mobility challenges. The extra 6" in the proposed master bedroom on the north side of the house has proven to be important to this.

Lastly, it might be worth pointing out that we misread the site survey a bit... the survey shows that the existing house is actually 4.6' from the north property line where as we've been indicating that it is 4'-6". It's not a significant difference but 4.6' is actually closer to 4'-7" which means we're actually only requesting a variance to encroach 5" into the setback instead of 6".

We really appreciate the Planning and Zoning Department and the Director's time and energy in reviewing our proposed variance request. Please don't hesitate to reach out if there are any additional questions or comments.

Thank you,

TAYLOR MEYER

Architect
AIA, NCARB, LEED AP BD+C
Passive House Tradesperson

VFLA ARCHITECTURE + INTERIORS

419 Canyon Avenue, Suite 200
Fort Collins, CO 80521
Phone: 970.224.1191
Direct: 970.498.2964

108 East Lincolnway
Cheyenne, WY 82001
Phone: 307.635.5710



Please consider the environment before printing this e-mail.

From: Noah Beals <nbeals@fcgov.com>
Sent: Tuesday, September 8, 2020 10:48 AM
To: Taylor Meyer <Taylor@vfla.com>
Subject: FW: ZBA200035 65 Circle Drive Variance

Hello Taylor,

We received the following email in regards to variance request ZBA200035. Please let us know if you have any additional information to address the comments in the email.

Regards,

Noah Beals
Senior City Planner-Zoning
970 416-2313



[Tell us about our service, we want to know!](#)

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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/>

Recursos COVID-19

Para integrantes de la comunidad: <https://www.fcgov.com/eps/coronavirus>

Para empresas: <https://www.fcgov.com/business/>

¿Quieres ayudar o necesitas ayuda? <https://www.fcgov.com/neighborhoodservices/adopt>

Recursos de United Way: <https://uwaylc.org/>

From: Sarah Dentoni

Sent: Monday, September 7, 2020 8:31 PM

To: Noah Beals <nbeals@fcgov.com>

Subject: [EXTERNAL] ZBA200035 65 Circle Drive Variance

Thank you for the opportunity to comment on this variance.

Overall the remodel seems respectful of the historic nature of the neighborhood and does not overwhelm the neighboring structures.

However, Mr. Meyer's argument for allowing the variance is not very convincing. In fact, it just seems lazy. It is honest, but not compelling.

The north wall of the home is to be demolished and it would cost too much to move the new wall 6" to the south. Is that enough reason to issue a variance? ok, but only for the 23' of wall that corresponds to the original wall. The remaining 12' of wall should not encroach into the setback. This would make a nicer wall for the neighbor on the north and reflect the original style of the home.

There is no structural reason this could not be done.

6" is 6".

Thank you,

Sarah Dentoni