

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

FINDINGS AND DECISION

HEARING DATE: May 11, 2020

PROJECT NAME: 405 Scott Avenue - Carriage House

CASE NUMBER: PDP/FDP #190019

APPLICANT: Brian Majeski
Urban Rural Design
252 Linden Street
Fort Collins, CO 80524

OWNER: Carolyn & Geoffrey Haddad
19445 Cypress Church Rd
Cypress, TX 77433

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION: The Applicant/Owner has filed an application to construct a 22-foot tall, 800 square foot carriage house on the rear half of the property located at 405 Scott Avenue, Fort Collins, CO 80521 (the “Subject Property”). The carriage house will be located behind and detached from an existing single-family residence.

The Subject Property is within the Neighborhood Conservation, Low Density (N-C-L) zone district and is subject to an Administrative Hearing (Type 1) review. The application is being processed as a combined Project Development Plan (PDP) / Final Development Plan (FDP).

The Subject Property is 16,150 square feet. Access to the carriage house will be taken from the existing alley. Existing landscaping on the Subject Property will be preserved.

After construction, there will be a total of six off-street parking spaces; four spaces located off of the alley adjacent to the carriage house and two spaces located off of Scott Avenue adjacent to the existing single-family residence.

No modifications of standards are being requested by the applicant.

A hearing was first held on this project on January 30, 2020. The hearing officer at the first hearing found that the Application complied with the applicable: (i) procedural and administrative requirements of Article 2 of the Land Use Code, (ii) General Development Standards contained in Article 3 of the Land Use Code, and (iii) standards contained in Article 4, Division 4.7 of the Land

Use Code, *except for the standards set forth in Land Use Code Sections 4.7(F)(1)(e) and 4.7(F)(2)(b)*. The hearing officer at the first hearing also specifically found that the carriage house complies with the 22-foot building height requirement set forth in Land Use Code Section 4.7(F)(2)(a)2 and that the addition of the carriage house will not cause the Subject Property to exceed the “allowable floor area on lots” established by Land Use Code Section 4.7(D)(2). Based on these findings, the hearing officer at the first hearing approved the project, subject to the following condition of approval:

A revised site plan and a revised or supplemental staff report demonstrating compliance with Land Use Code Sections 4.7(F)(1)(e) and 4.7(F)(2)(b), and correcting the calculation of “allowable floor area on lots” in accordance with Land Use Code Section 4.7(D)(2) are submitted to the Hearing Officer at a public hearing following notice in accordance Land Use Code Section 2.2.6.

In accordance with this condition, the Applicant/Owner submitted a revised site plan for review by the Hearing Officer at a public hearing using remote technology on May 11, 2020.

BACKGROUND:

Applicable project background is detailed in the Planning Department Amended Staff Report prepared for this application, a copy of which is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Neighborhood Conservation, Low Density District (N-C-L)	Neighborhood Conservation, Low Density District (N-C-L)	Neighborhood Conservation, Low Density District (N-C-L)	Neighborhood Conservation, Low Density District (N-C-L)
Land Use	Single-family detached	Place of Worship	Single-family detached	Single-family detached

SUMMARY OF DECISION: Approved with one condition.

ZONE DISTRICT: (N-C-L) Neighborhood Conservation, Low Density

HEARING: The Hearing Officer opened the remote hearing at approximately 5:38 p.m. on Monday, May 11, 2020 .

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

1. Planning Department Amended Staff Report prepared for 405 Scott Avenue Carriage House (PDP/FDP #190019). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
2. Project Vicinity and Zoning Map.
3. 405 Scott Avenue Carriage House Project Narrative.
4. 405 Scott Avenue Carriage House Site Plan and Elevations (2 sheets).
5. 405 Scott Avenue Carriage House Drainage Memo, dated December 6, 2019, from Keefe Civil, LLC (11 pages)
6. 405 Scott Avenue Carriage House Utility Plan Set (7 sheets).
7. Administrative Interpretation #2-20 regarding the application of Section 4.7(F)(1)(e) as it relates to the height limit of the front façade of a carriage house.
8. Type 1 Administrative Hearing, Findings and Decision, dated February 6, 2020.
9. Remote Hearing Request Form reflecting approval of request by Tom Leeson, CDNS Director, on May 5, 2020.
10. Copy of written notice of hearing mailed on April 27, 2020.
11. Confirmation of purchase from *Fort Collins Coloradoan* Ad#0004171042, and Affidavit of Publication, evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradoan* on April 30, 2020.
12. Copy of PowerPoint presentation presented during the hearing by Kai Kleer, City Planner.
13. Written comment from Gina C. Janett to Kai Kleer, dated May 11, 2020.
14. Rules of Conduct for Administrative Hearings.
15. Administrative (Type 1) Hearing: Order of Proceedings.
16. Record of first hearing on this project, held on January 30, 2020, is considered part of the record considered by the Hearing Officer.
17. The City's Comprehensive Plan, Land Use Code, and the formally promulgated ordinances and polices of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified at the hearing:

From the City: Kai Kleer, City Planner
Dave Betley, Manager, Civil Engineering

From the Applicant: Brian Majeski, Urban Rural Design, 252 Linden Street,
Fort Collins, CO 80524

From the Owner: Carolyn Haddad, 19445 Cypress Church Rd, Cypress, TX
77433

From the Public: Ed Beers, 408 Jackson Ave., Fort Collins, CO 80521
Dian Sparling, 324 Jackson Ave., Fort Collins, CO 80521
Linda Beers, 408 Jackson Ave., Fort Collins, CO 80521
Forrest Newman, 611 S. Loomis Ave., Fort Collins, CO
80521
Susan Newman, 401 Scott Avenue, Fort Collins, CO 80521
Ray Newman, 401 Scott Avenue, Fort Collins, CO 80521

FINDINGS

1. Testimony of Kai Kleer and evidence presented to the Hearing Officer establish the fact that notice of the public hearing was properly posted, mailed, and published.
2. As required by City Council Ordinance 061, 2020, Tom Leeson, the Director of Community Development and Neighborhood Services, in consultation with the City Attorney, determined that holding an in-person quasi-judicial hearing for this matter would not be prudent because of conditions related to a Declared Local Emergency and that this matter is pressing and requires prompt action. A copy of the request for remote hearing and the written determination of Mr. Leeson approving the same was presented to the Hearing Officer in the agenda materials for this matter.
3. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. The Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
 - B. The Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code.
 - C. The Application complies with the applicable Neighborhood Conservation, Low Density (N-C-L) Zone District standards contained in Article 4, Division 4.7 of the Land Use Code. Without limiting the foregoing, the Hearing Officer specifically finds:

- i. The front façade of the proposed carriage house satisfies the one and one-half story height requirement set forth in Land Use Code Section 4.7(F)(1)(e), when measured in accordance with Land Use Code Administrative Interpretation, #2-20.
 - ii. The proposed carriage house satisfies the eave height requirement set forth in 4.7(F)(2)(b).
 - iii. The addition of the proposed carriage house will not cause the Subject Property to exceed the “allowable floor area on lots” established by Land Use Code Section 4.7(D)(2) or the “allowable floor area on The addition of the proposed carriage house will not cause the Subject Property to exceed the “allowable floor area on lots” established by Land Use Code Section 4.7(D)(2)rear half of lots” established by Land Use Code Section 4.7(D)(3). However, the square footages provided on the revised site plan differ from the square footages set forth in the Amended Staff Report. In addition, the calculation of “allowable floor area on lots” does not appear to include the floor area of the existing carport.
4. The Application’s satisfaction of the applicable Article 2, 3, and 4 requirements of the Land Use Code is sufficiently evidenced by the record, including the Amended Staff Report and the testimony and materials presented at the hearing.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the 405 Scott Avenue Carriage House Project Development Plan (PDP/FDP #190019), subject to the following condition of approval:

1. A revised site plan correcting the calculations of “allowable floor area on lots” and “allowable floor area on rear half of lots” in accordance with Land Use Code Section 4.7(D)(2) and 4.7(D)(3), respectively, is submitted to City Staff.

DATED this 20th day of May, 2020.



Lori Strand
Hearing Officer

ATTACHMENT A

Amended Staff Report
405 Scott Avenue Carriage House Project Development Plan / Final Development Plan
(PDP/FDP# 190019)

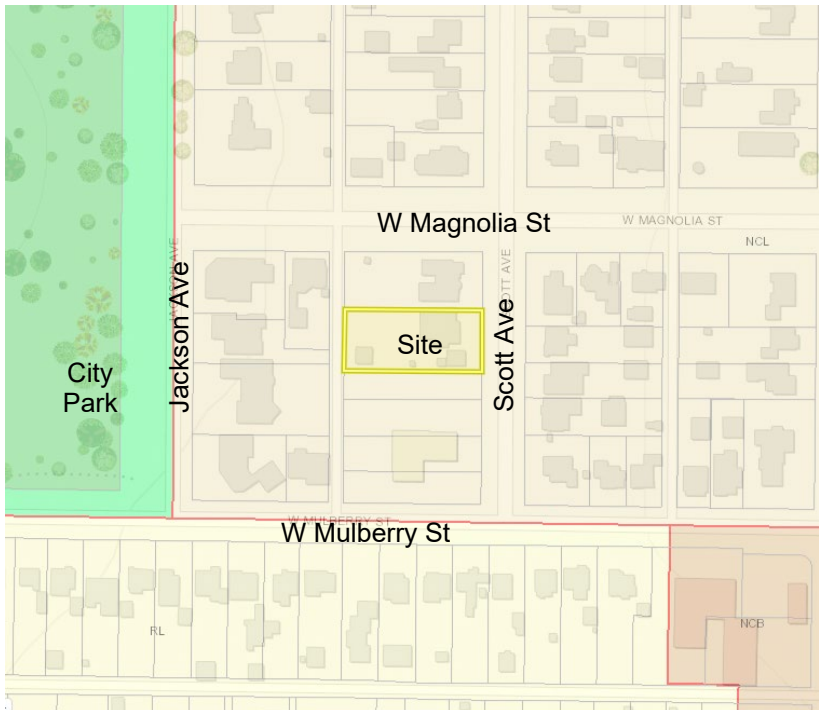
Administrative Hearing: May 11, 2020

405 Scott Avenue – Carriage House

Summary of Request

This is the second hearing for 405 Scott Avenue, a request to construct an 800 square foot carriage house and a behind an existing single-family residence located at 405 Scott Avenue.

Zoning Map (ctrl + click map to follow link)



Next Steps

If approved by the decision maker, the applicant will be eligible to submit plans for recordation. Following recordation, the applicant or representative thereof will be eligible to submit the construction drawings for building permit review, issuance, and subsequent construction.

Site Location

Located approximately 525 feet northwest of the intersection of W Mulberry St and S Shields St and 240 feet east of City Park.

Zoning

Neighborhood Conservation, Low Density District (N-C-L)

Property Owner

Carolyn & Geoffrey Haddad
19445 Cypress Church Rd
Cypress, TX 77433

Applicant/Representative

Brian Majeski
Urban Rural Design
252 Linden Street
Fort Collins, CO 80524
p. 970.889.4004 e. brian@urbanruralarch.com

Staff

Kai Kleer, City Planner
p. (970) 416-4284 e. kkleer@fcgov.com

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Staff Recommendation

Approval

1. Project Introduction

A. PROJECT DESCRIPTION

- This application is being processed as a combined Project Development Plan (PDP)/Final Development Plan (FDP).
- The project is contained within Lot 5 and portions of lots 4 and 6 of the Scott-Sherwood Addition
- The lot is 16,150 square feet in land area.
- The site will contain five off-street parking spaces.

B. SITE CHARACTERISTICS

1. Development Status/Current Conditions

The site currently contains a single-family residence, car port and two-car garage.

The site was part of the 1907 Scott-Sherwood Addition which was later annexed as part of the Consolidated Area Annex on May 13, 1952.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Neighborhood Conservation, Low Density District (N-C-L)	Neighborhood Conservation, Low Density District (N-C-L)	Neighborhood Conservation, Low Density District (N-C-L)	Neighborhood Conservation, Low Density District (N-C-L)
Land Use	Single-family detached	Place of Worship	Single-family detached	Single-family detached

C. OVERVIEW OF MAIN CONSIDERATIONS

During the first consideration of this item at an administrative hearing held on January 30, 2020, the testimony at the hearing and materials in the record failed to demonstrate compliance with:

1. Land Use Code Section 4.7(F)(1)(e), which standard limits the front façade of the proposed carriage house to one and one-half (1 ½) stories.
2. ii. Land Use Code Section 4.7(F)(2)(b), which standard requires a side yard setback of 12 feet 2 inches from the north property line to allow for the proposed exterior eave height of 16 feet 7 inches. The PDP/FDP provides a side setback of only 12 feet.

A recent administrative interpretation attached to this report and further explained in the staff report clarifies the method in which front façade height is measured.

Other considerations have been parking and design, emergency access and placement of the carriage house.

2. Public Outreach

A. NEIGHBORHOOD MEETING

Pursuant to 2.2.2 – *Step 2: Neighborhood Meetings*, a neighborhood meeting is not required for Administrative (Type 1) projects. Therefore, a neighborhood meeting was not held for this project.

B. PUBLIC COMMENTS:

Public comment was received regarding stormwater and the surface water flooding into the property located across the alley to the west. City stormwater engineering staff reviewed the comment and made the following statement:

“The added impervious area for this development is under the 1,000-sf threshold which is the trigger for stormwater mitigation. Due to some existing concrete that is being removed in the same area as the carriage house, the increase in impervious area is only 978-sf.

The development still needs to show the proposed drainage does leave the property and flow down the alley without causing any negative impacts to downstream properties. The drainage plan does show that flows will leave the property and flow south down the alley into Mulberry Street without causing any negative impacts as far as what can be determined through a drainage analysis by the Development’s Civil Engineer.”

Any additional communication received between the public notice period and hearing will be forwarded to the Hearing Officer for their consideration.

Comments received at the first hearing held on January 30, 2020 focused around a previous code provision that limited carriage houses to 1 ½ stories, It should be noted that the code provision that once existed prior to Ordinance Number 077,2019 which removed this section of code.

3. Article 2 – Applicable Standards

A. BACKGROUND

This project was submitted on September 27, 2019 as a combined Project Development Plan (PDP)/Final Development Plan (FDP). The project required three rounds of staff review prior to hearing.

B. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review # CDR190042

A conceptual review meeting was held on May 07, 2019.

2. First Submittal (PDP190019)

The first submittal of this project was completed on September 27, 2019.

3. Neighborhood Meeting

Not applicable pursuant to 2.2.2 – *Step 2: Neighborhood Meetings*.

4. Project Expiration

In accordance with 2.2.11 – *Step 11: Lapse*, a project must be diligently pursued and resubmitted within 180 days of receiving written comments. The project satisfies this requirement and has not lapsed.

5. Notice (Posted, Written and Published)

Posted Notice: October 10, 2019, Sign # 603

Written Notice – Hearing #1: January 16, 2020, 173 addresses mailed.

Written Notice – Hearing #2: April 27, 2020



Published Notice – Hearing #1: Thursday, January 30, 2020, Coloradoan confirmation #0004007811

Published Notice – Hearing #2: Thursday, April 30, 2020

4. Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.2 (K)(1)(c) Single-Family Detached	<p>For each single-family dwelling there must be one (1) parking space on lots with greater than forty (40) feet of street frontage or two (2) parking spaces on lots with forty (40) feet or less of street frontage.</p> <p>The lot exceeds 40 feet and only requires one off-street parking space for the existing single-family residence.</p> <p>The plan proposes and maintains two existing off-street parking spaces which are accessed from Scott Avenue.</p>	Complies

5. Article 4 – Applicable Standards:

A. SUMMARY

The Neighborhood Conservation, Low Density District (N-C-L) is intended to preserve the character of areas that have a predominance of developed single-family dwellings.

The proposed carriage house is permitted subject to Administrative Review in this district.

B. DIVISION 4.7 – NEIGHBORHOOD CONSERVATION, LOW DENSITY DISTRICT

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.7(B) Permitted Uses	<p>Under the 'residential use' category, single-family detached dwellings when there is more than one dwelling on the lot or when the lot has only alley frontage are permitted subject to Administrative (Type 1) review.</p>	Complies
4.7(D)(1) Required Lot Area	<p>The minimum lot area for each residential detached dwelling must not be less than six thousand square feet.</p> <p>The project is contained within a 16,150 square foot lot and meets the minimum required lot size of 12,000 square feet.</p>	Complies
4.7(D)(2) Allowable Floor Area on Lots	<p>On a lot that is more than 10,000 square feet, the allowable floor area must not exceed thirty (30) percent of the overall lot area.</p> <p>The allowable floor area is calculated as follows $16,150 \times .30 = 4,845$ square feet. The proposed 800 square foot carriage house, 1,719 square foot existing single-family residence and 400 square foot detached garage equals 2,919 square feet which is less the above sum, therefore meeting this requirement.</p>	Complies
4.7(D)(3) Allowable Floor Area on Rear Half of Lots	<p>The allowable floor area on the rear half of a lot shall not exceed twenty-five (25) percent of the area of the rear fifty (50) percent of the lot.</p> <p>The allowable rear floor area is calculated as follows, $((16,150 / 2) .25) = 2,018$ square feet.</p> <p>The project proposes an 800 square foot carriage house and contains an existing 400 square foot two-car garage, combined totaling 1,200 square feet. The project complies with the maximum allowable floor area as calculated above.</p>	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.7(D)(4) Residential	<p>Any new single-family dwelling (carriage house) that is proposed to be located behind a street fronting principal residence can only contain 800 square feet of floor area, be a minimum of 10 feet away from any other structure and a 600 square foot footprint.</p> <p>The proposed plan complies with the aforementioned standards by providing a 600 square foot building footprint, 17-foot setback from the nearest structure (existing garage) and overall square footage of 800 square feet.</p>	Complies
4.7(E) Dimensional Standards	<p>Dimensional standards require a minimum rear yard setback of 5 feet, side yard setback of 5 feet and when any portion of building or wall exceeds 18 feet, as measured from the existing grade, requires an additional 1 foot of setback. Building height is also limited to 1 ½ stories.</p> <p>The plan provides the required minimum of 5-foot side-yard and 5-foot rear-yard setbacks. The project proposes a wall height of 16' 7" feet along the side yard and does not require any additional setback to meet dimensional standards of this standard. The proposed carriage house is 1 ½ stories.</p>	Complies
4.7(F) (1) Building Design	<p>The carriage house meets all building design standards contained within this section. Standards include exterior wall to lot line orientation, entryway feature, and minimum 2:12 maximum 12:12 roof pitch.</p>	Complies
4.7(F)(1)(e)	<p>This code section limits the front façade height of carriage houses to a maximum of one and one-half stories (1 ½).</p> <p>The original staff report found compliance with this standard by interpreting the limits of front façade height to include any unused floor height from the first floor.</p> <p>A recent Land Use Code Administrative Interpretation, #2-20, has clarified that when measuring 1.5-story front façade height, any additional unused floor height from the first floor may not be added to the half story to achieve a greater overall building height, thus limiting the overall front façade height for a 1.5 story building to 12'8" + 6'4".</p> <p>In the case of the 405 Scott Avenue Carriage House, the first story façade is currently proposed at 9' 1 ¾" in height. The additional half-story would be limited to 6 feet 4 inches from floor to eave, resulting in an overall façade height limit of 15 feet 5 ¾ inches.</p> <p>The plan has since been updated to reduce the overall front façade height to 15' feet 5". With a first floor façade height of 9' 1 ¾" and second story façade height of 6'3 ½" = 15ft 5 ¼ in.</p> <p>This administrative interpretation will be followed by a code change to clarify height limits for carriage houses and accessory buildings with habitable space in the N-C-L, N-C-M, and N-C-B zone districts.</p>	Complies
4.7(F)(2)(a) Building Height	<p>The maximum height of a dwelling at the rear of the lot cannot exceed 24 feet.</p> <p>The proposed structure is 22 feet from existing grade.</p>	Complies
4.7(F)(2)(b) Eave Height	<p>The exterior eave along a side lot line cannot exceed 13 feet from grade and can be increase by six inches for every additional one foot of setback from the interior side property line.</p> <p>The plan proposes an eave height of 16' 7 1/4". The additional 3' 7 1/4" of eve height will require a total side yard setback of 12 feet 2.4 inches. The plan complies with this standard and proposes a 12-foot 3 inch side yard setback from the north property line.</p>	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.7(F)(3)(a) Carriage Houses	<p>A minimum of one off-street parking space must be provided for every bedroom contained within a carriage house.</p> <p>The plan demonstrates a total of 6 off-street parking spaces four located off the existing alley and two located off Scott Avenue, exceeding the required minimum for this site.</p>	Complies
4.7(F)(3)(c)(1) Additional Review Criteria for Carriage Houses	<p>The site plan shall provide a separate yard area containing at least one hundred twenty (120) square feet to serve both the carriage house and the existing principal dwelling. Such yard area shall be at least ten (10) feet in its smallest dimension and must provide privacy and screening for abutting properties.</p> <p>The plan provides a rear-yard space in excess of 120 square feet.</p>	Complies
4.7(F)(3)(c)(2)	<p>Decks, entry doors, major entry access stairs or major windows shall face the existing principal building or the alley (if the lots front the alley). Windows that overlook an abutting side or rear yard must be minimized.</p> <p>The plan complies by proposing the major entry access facing the existing single-family residence. Windows facing the side lot are also minimize and placed in a way to preserve privacy of the neighboring properties.</p>	Complies
4.7(F)(3)(c)(3)	<p>Buildings, structures, open spaces and other features of the site plan shall be oriented and located such that they maintain natural resources, including existing significant trees and shrubs, to the extent reasonably feasible.</p> <p>No significant natural resources will be impacted by the project proposal.</p>	Complies
4.7(F)(5) Access	<p>Whenever a lot has frontage along an alley, any new off-street parking area located on such lot must obtain access from such adjoining alley.</p> <p>The project proposes all new parking to be accessed from the existing alley.</p>	Complies

6. Findings of Fact/Conclusion

In evaluating the request for the 405 Scott Avenue – Carriage House Final Development Plan, FDP190019, staff makes the following findings of fact:

- The F.D.P. complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The F.D.P. complies with relevant standards located in Article 3 – General Development Standards.
- The F.D.P. complies with relevant standards located in Division 4.7, Neighborhood Conservation, Low Density District of Article 4.

7. Recommendation

Staff recommends approval of 405 Scott Avenue – Carriage House, FDP190019.

8. Attachments

1. Vicinity & Zoning Map
2. Project Narrative
3. Updated Site, Elevation & Landscape Plans
4. Drainage Memo
5. Utility Plans
6. Hearing Officer Decision - February 6, 2020
7. Administrative Interpretation #2-20
8. Remote Hearing Request Form