

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

FINDINGS AND DECISION

HEARING DATE: November 1, 2021

PROJECT NAME: 205 East Plum Street Carriage House

CASE NUMBER: FDP 210013

APPLICANT/OWNER: John Runkles
205 E Plum St.
Fort Collins, CO 80524

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION/BACKGROUND: This is a request for a combined Project Development Plan and Final Development Plan to convert an existing detached garage into a single-family detached dwelling in the rear yard of an existing duplex (the “Application”) located at 205 East Plum Street (the “Subject Property”). A second existing detached garage will remain on the Subject Property.

The Subject Property falls within the original town site plat area dating to 1873 and is located one block east of the Colorado State University Campus.

The Subject Property is zoned Neighborhood Conservation, Buffer (N-C-B) district. The N-C-B district requires administrative review to establish the proposed carriage house use.

The Applicant requests the following three (3) modifications from standards (the “Modifications of Standards”) set forth in the City of Fort Collins Land Use Code (“LUC”):

1. LUC §3.2.2(J)—This subsection of the LUC requires that any vehicular use area containing six (6) or more spaces shall be set back five feet (5’) from the side lot lines to allow for a landscaped setback area. With the addition of the proposed carriage house, six (6) on-site parking spaces are required for the Subject Property. In order to provide the required six (6) spaces, the Applicant requests a reduction in the east and west side setback from five feet (5’) to zero feet (0’).
2. LUC §3.2.2(L)—This subsection of the LUC requires a nine foot (9’) by nineteen foot (19’) dimension for a 90° head-in standard parking space. The Applicant requests a reduction of width for the four (4) standard parking spaces at the rear of the Subject Property from nine feet (9’) to eight and one-half feet (8.5’).

3. LUC §4.9(E)(1)(b)2.a—This subsection of the LUC limits the width of a dormer to twenty-five percent (25%) of the wall length when the eave of the dormer exceeds thirteen feet (13’). The eaves of the dormers for the west and east facing elevations of the proposed carriage house exceed thirteen feet (13’) in height; therefore, the widths of the dormers are limited to twenty-five percent (25%) of wall length. The Applicant requests an increase in allowable width of the east and west elevation dormers from twenty-five percent (25%) to fifty-percent (50%).

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Neighborhood Conservation, Buffer (N-C-B)	Neighborhood Conservation, Buffer (N-C-B)	Neighborhood Conservation, Buffer (N-C-B)	Neighborhood Conservation, Buffer (N-C-B)
Land Use	Houses	Houses	Child Care Center	Houses

Additional project background is detailed in the Development Review Staff Report prepared for the Application, a copy of which is attached to this decision as **ATTACHMENT A** (the “Staff Report”) and is incorporated herein by reference.

The Staff Report recommends approval of the Application and Modifications of Standards.

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Neighborhood Conservation, Buffer (N-C-B)

HEARING: The Hearing Officer opened the remote hearing at approximately 6:15 P.M. on November 1, 2021.

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

1. Development Review Staff Report attached to this decision as **ATTACHMENT A** (13 pages).
2. Applicant narrative (1 page).

3. Site plan (1 sheet).
4. Building elevations (1 sheet).
5. Applicant request for modification of standard from LUC §3.2.2(J) (for setback reduction) (1 page).
6. Applicant request for modification of standard from LUC §3.2.2(L)(1) (for parking width reduction) (1 page).
7. Applicant request for modification of standard from LUC §4.9(E)(1)(b)2.a (for increase in dormer width) (1 page).
8. Four (4) photographs of the rear of the Subject Property, the rear of the adjacent properties, and the alley.
9. Copy of written notice of virtual public hearing mailed on October 18, 2021 (2 pages).
10. Copy of the language used for published notice (1 page).
11. Copy of PowerPoint presentation presented during the hearing by Clark Mapes, AICP, City Planner.
12. Rules of Conduct for Administrative Hearings.
13. Administrative (Type 1) Hearing: Order of Proceedings.
14. The City's Comprehensive Plan, the Old Town Neighborhoods subarea plan, the 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: Clark Mapes, AICP, City Planner

From the Applicant/Owner: John Runkles

From the Public: Lisa Eaton

The virtual hearing on this Application was closed at approximately 7:10 P.M. on November 1, 2021.

FINDINGS

1. Testimony of Mr. Mapes, City Planner, and evidence presented to the Hearing Officer establish the fact that notice of the remote public hearing was properly posted, mailed, and published.
2. As required by City Council Ordinance 079, 2020, the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the hearing by remote technology so

as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of Ordinance 079, because meeting in person would not be prudent for some or all persons due to a public health emergency.

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 LUC.

B. With the approval of the Modifications of Standards to LUC §§3.2.2(J) and 3.2.2(L)(1), the Application complies with the applicable General Development Standards contained in Article 3 of the LUC.

(i) The Modification of Standard to LUC §3.2.2(J) to reduce the vehicular use area setback from five feet (5') to zero feet (0') at the rear of the Subject Property along the east and west side lot lines: (1) will not be detrimental to the public good, (2) will promote the general purpose of LUC §3.2.2(J) equally well or better than would a plan which complies with the standard, and (3) will not diverge from LUC §3.2.2(J) except in a nominal, inconsequential way when considered from the perspective of the entire development plan and will continue to advance the purposes of Section 1.2.2 of the LUC. With respect to the foregoing, the Hearing Officer specifically finds:

(a) There is limited visibility by the public or adjacent properties to the vehicular use area. The area is screened to the east by an existing fenced trash enclosure for the adjacent property. The area is screened to the west by an existing blank wall and will be further screened by a six foot (6') wood privacy fence to be constructed by the Applicant as shown on the site plan.

(b) Because there already exists limited visibility from the adjacent properties to the vehicular use areas, the addition of a five-foot (5') wide landscaped area would have minimal benefit on the residents of such adjacent properties.

(c) The character of the proposed vehicular use area is consistent with that of the alley. The alley is characterized by utilitarian functions such as parking, storage, and garage doors. There are no landscaped areas along the alley in the vicinity of the Subject Property.

(ii) The Modification of Standard to LUC §3.2.2(L)(1) to reduce the width of the standard parking spaces from nine feet (9') to eight and one-half feet (8.5'): (1) will not be detrimental to the public good, and (2) will not diverge from LUC §3.2.2(L)(1) except in a nominal, inconsequential way when considered from the perspective of the entire development plan and will continue to advance the purposes of Section 1.2.2 of the LUC. With respect to the foregoing, the Hearing Officer specifically finds:

(a) The requested modification has not impact on the public good as the parking spaces at issue will serve only the residents of the Subject Property and their guests.

(b) The six-inch difference is nominal and inconsequential when considered from the perspective of the entire plan because residents of the Subject Property will be familiar with the width of the spaces and will adapt their parking similar to similarly situated people in the neighborhood who park at their homes in narrow driveways, old model-T-size garages, etc.

C. With the approval of the Modification of Standard to LUC §4.9(E)(1)(b)2.a, the Application complies with the applicable standards in Division 4.9 of the LUC.

(i) The Modification of Standard to LUC §4.9(E)(1)(b)2.a, to increase the allowable width of the east and west elevation dormers from twenty-five percent (25%) to fifty-percent (50%) of wall length: (1) will not be detrimental to the public good, and (2) will not diverge from LUC §4.9(E)(1)(b)2.a except in a nominal, inconsequential way when considered from the perspective of the entire development plan and will continue to advance the purposes of Section 1.2.2 of the LUC. With respect to the foregoing, the Hearing Officer specifically finds:

(a) Based on the testimony of Mr. Mapes, the purposes for limiting the dormer width are (1) to limit volume and massing of construction in rear yards and (2) to limit the ability of carriage house occupants to overlook rear yards of adjacent neighbors, *particularly in Neighborhood Conservation Districts where the historical pattern of deep and open rear yards remain intact*. However, the historical pattern of homes with deep and open rear yards is not characteristic of the N-C-B district where the Subject Property is located. In particular, the historical corner lot to the west of the Subject Property was subdivided in the 1990s and a house was built in what was previously the deep and open rear yard of the corner lot. The

proposed west facing dormer of the carriage house will overlook the rear yard of the house built in the 1990s. The rear yard of said property is shallow with limited useable open space; i.e., the rear yard is not characteristic of the historical pattern for which the standard aims to preserve. Moreover, there is an existing tree between the carriage house and the adjacent house to the west that will provide buffering and preserve some privacy for the small rear yard of the adjacent house.

(b) The child-care center to the east of the Subject Property has a rear yard consisting of a large vehicular use area and a shallower grassy area; this rear yard is uncharacteristic of the historical pattern for which the standard aims to preserve. Moreover, the proposed east facing dormer of the carriage house will have minimal, if any, impact on the adjacent child-care center. The dormer will not overlook the rear yard play area of the child-care center. Rather, it will overlook the detached single-car garage on the Subject Property and, to a much lesser degree, the adjacent property's vehicular use area.

4. The Application's satisfaction with the applicable Article 2, 3, and 4 LUC requirements is sufficiently evidenced by the Staff Report, the testimony at the November 1, 2021 public hearing, and materials accepted into the record.

DECISION

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

- (a) The Modification of Standard to LUC §3.2.2(J)—Setbacks, to reduce the vehicular use area setback from five feet (5') to zero feet (0') at the rear of the Subject Property, is approved.
- (b) The Modification of Standard to LUC §3.2.2(L)(1)—to reduce the width of the standard parking spaces from nine feet (9') to eight and one-half feet (8.5'), is approved.
- (c) The Modification of Standard to LUC §4.9(E)(1)(b)2.a, to increase the allowable width of the east and west elevation dormers from twenty-five percent (25%) to fifty-percent (50%) of wall length, is approved.
- (d) The 205 East Plum Street Carriage House (FDP210013) is approved.

DATED this 8th day of November, 2021.

L Strand

Lori Strand
Hearing Officer

ATTACHMENT A

Staff Report
205 East Plum Street Carriage House
FDP 210013

Development Review Staff Report

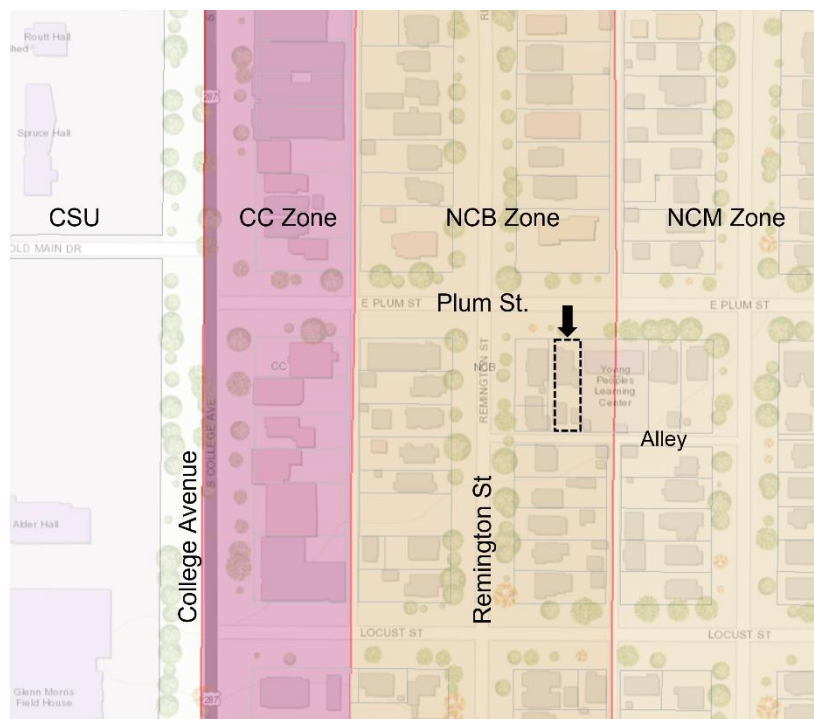
Administrative Hearing: November 1, 2021

205 East Plum Street Carriage House #FDP210013

Summary of Request

This is a combined Project Development Plan/Final Development Plan to convert a detached garage into a 'carriage house' dwelling in the rear yard of an existing street-fronting duplex. Three modifications of standards are included to allow parking along the alley with no setbacks from side lot lines; to allow some of the parking spaces to be 8.5 feet wide; and to allow dormers on the carriage house to exceed a limit on width in a standard.

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant will be eligible to proceed to a building permit.

Site Location

205 East Plum Street (parcel #9713221010)

Zoning

Neighborhood Conservation Buffer (NCB) zone district

Property Owner

John Runkles
205 E Plum St.
Fort Collins, CO 80524

Applicant/Representative

Same

Staff

Clark Mapes, City Planner
p. (970) 221-6225 e. cmapes@fcgov.com

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Staff Recommendation

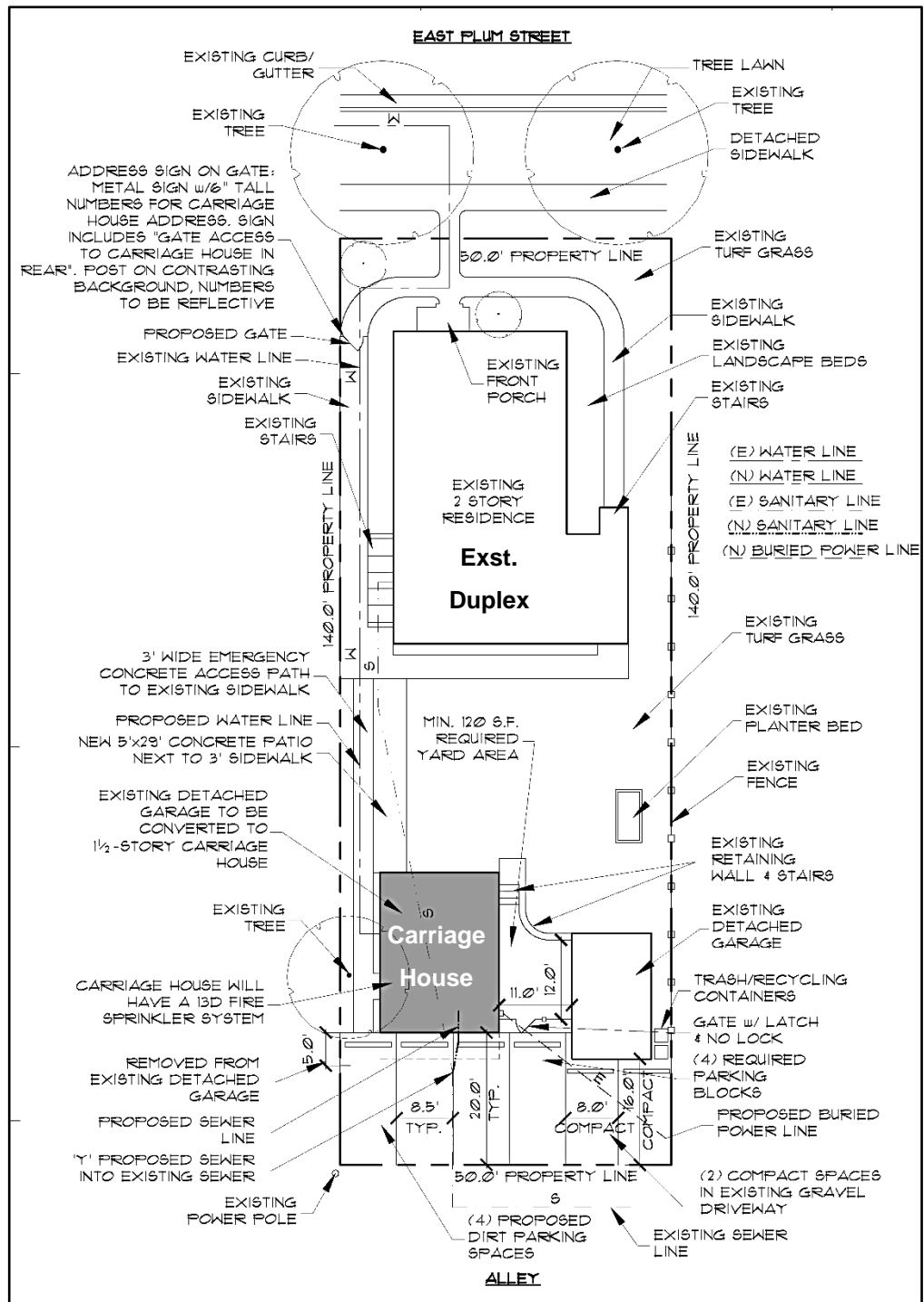
Approval of three Modifications of Standards, and approval of the development plan.

1. Project Introduction

A. PROJECT DESCRIPTION – KEY ASPECTS

- The lot contains a duplex and two detached single-car garages.
- The plan is to convert an existing single-car garage to a dwelling, known as a carriage house, in the rear yard of the existing duplex, along the alley.
- Six head-in parking spaces are provided along the alley.
- Three Modifications of Standards are included.

Proposed Plan



B. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	NCB, Neighborhood Conservation Buffer	NCB, Neighborhood Conservation Buffer	NCB, Neighborhood Conservation Buffer	NCB, Neighborhood Conservation Buffer
Land Use	Houses	Houses	Child Care Center next door	Houses

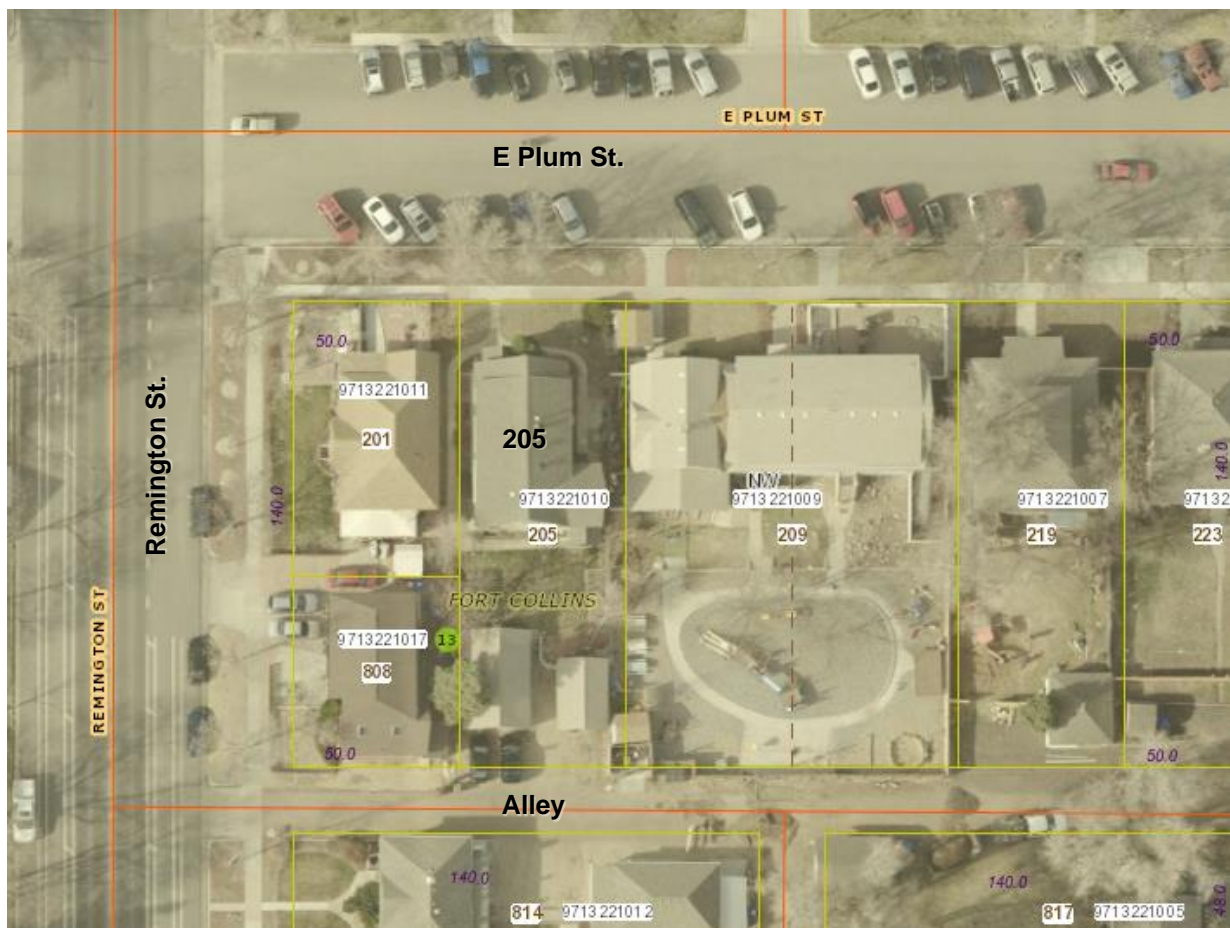
2. Site History

The subject lot is in the original town site plat area dating to 1873.

Over the past decades, the neighborhood has come to include extensive student rental houses.

The property next door to the east was converted to a child care center in the 1960s, with various remodels and additions over time.

The properties next door to the west, at the corner of Plum and Remington Streets, were subdivided in 1995 to create the new lot facing Remington Street with a blank rear wall of the house abutting 205 E. Plum.



C. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF'S REVIEW

The main issue has been parking. The existing street-fronting dwelling on the lot is a duplex with a 7-bedroom house and a 1-bedroom basement unit. Standards require 3 parking spaces for the house and 1.5 spaces for the basement unit, rounded up for a total of 5 spaces required. (3 spaces are required for a unit with four or more bedrooms.)

The proposed carriage house requires an additional space for a total of six required.

The six spaces could not be provided without modifications of standards.

The applicant and staff considered alternatives to provide only five spaces along the alley, which would have rendered the setback standard non-applicable. One of those alternative ideas was to recognize the second detached garage that exists on the lot as a space, with a space in the driveway area behind the garage. However, this approach would have required a different modification, for the number of spaces, because tandem spaces are not counted toward parking requirements in the standards.

Another alternative idea was to re-classify the occupancy of the 7-bedroom unit in the duplex to only 3 bedrooms via a new Certificate of Occupancy. Neither staff nor the applicant was particularly interested in that approach, which would not match the physical reality of the dwelling even if the occupants did not use the extra bedrooms as such.

In the proposed plan, the applicant decided to propose the six spaces along the alley as shown on the plan, with staff's support, with the needed modifications.

The other main consideration has been adjustment of sewer and electric service on the lot to serve the carriage house.

The carriage house is well within size limit standards in the NCB zone.

2. Land Use Code Article 2 Procedural Requirements

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR 200005

A conceptual review meeting was held on December 3, 2020.

2. Neighborhood Meeting

A neighborhood meeting was not required, nor held, for this Type 1 review process.

3. Submittal

The project was submitted on May 14, 2021. The project was routed to all reviewing departments with three rounds of review conducted to reach the proposed plan iteration.

4. Notice (Posted, Written and Published)

Posted notice: May 6, 2021, Sign # 630

Written notice: October 18, 2021, 278 letters sent.

Published Notice: October 22, 2021, Confirmation # 4966206.

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The Land Use Code is adopted with the recognition that there will be cases where circumstances in a given development plan may warrant a design solution that does not comply with a standard as written.

Accordingly, the code includes a provision for 'Modification of Standards' under certain criteria.

In this case, the plan includes three modifications. One is to allow parking spaces along the alley with no setbacks from the side lot lines, one is to allow four out of six required parking spaces to be 8.5 feet wide instead of the standard 9 feet, and one is to allow the width of dormers on the carriage house to exceed 25% of the width of the wall below.

The modification criteria in Land Use Code Division 2.8.2(H) provide for evaluation of modification requests, as follows.

Land Use Code Modification Criteria:

"The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:

(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or

(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or

(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or

(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

1. Modification of a Standard Requiring Parking Setbacks From Side Lot Lines – 3.22(J) Setbacks

This standard requires any vehicular use area containing six or more parking spaces to be set back from side lot lines by five feet.

In the plan, six parking spaces are required and are provided along the alley, and the request is for the six spaces to span clear from side lot line to lot line with zero setbacks.

Applicant Justification:

The applicant's modification request is attached. It explains that:

- The modification would not be detrimental to the public good and would be equal to a plan with the side setbacks because both sides of the lot already have solid screening, with a fenced trash enclosure for a commercial child care center on the east side, and the blank rear wall of a house located almost on the property line on the west.
- There is a short stretch of property on the west where the abutting house does not extend all the way to the alley, and the plan adds a short section of privacy fence to extend the solid screening clear to the alley line.
- The lack of setbacks is also nominal and inconsequential when considered from the perspective of the entire plan, because if the setbacks were provided and landscaping was fitted into the small strips, it would not provide any additional screening. The alley is characterized by gravel parking, storage, garage doors, etc. with no screening along the alley.

Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criterion (1), "equal or better" and criterion (4) "nominal and inconsequential".

Detriment to the public good. The parking is fully screened from abutting properties, and the alley is characterized by utilitarian functions such as parking, storage, garage doors, and weeds, without landscape screening. Note that the area in question is already used for parking, and the plan does not represent physical change. Therefore, counting the six spaces along the alley is a continuation of existing conditions.

Criterion (1), "equal or better". A plan with the 5-foot setbacks would not be noticeably different than the proposed plan because the setback areas would be insignificant in the setting as described previously. To the extent that the purpose of the setbacks is to provide landscape buffers for the benefit of abutting properties, in this case the abutting properties are completely cut off from the setback areas as noted previously.

Criterion (4), "nominal and inconsequential". The lack of the 5-foot setbacks between the parking and the abutting fence and wall is insignificant because the area in question has very low visibility and its use as part of the parking area is consistent with the utilitarian character of the rest of the entire alley.

The modification does not hinder any of the overall purposes of the Lan Use Code found in subsection 1.2.2.

2. Modification of a Standard for Parking Space Width – 3.22(L) Parking Stall Dimensions

This standard requires 90-degree head-in parking stalls to be 9 feet by 19 feet.

In the plan, six parking spaces are required and are provided along the alley, and the request is for four of the six required parking spaces along the alley to be 8.5 feet wide instead of 9 feet per the standard.

Applicant Justification:

The applicant's modification request is attached. It explains that:

- The modification would not be detrimental to the public good and would be equal to a plan with the 9-foot width because this parking is only for residents who will be familiar and will be able to adjust and use the parking if it is truly ever needed. The standards look like they are more important for the public, or tenants in apartment complexes.
- The code recognizes that residential parking qualifies as "long-term parking"; and long term parking can be compact spaces that are 8 feet x 15 feet. Compact spaces are limited to 40% of the parking in a parking lot, but the code seems related to actual parking lots for bigger commercial or apartment projects. It does not seem to be related to issues with houses in the neighborhood, judging by the definition which says: "*Long-term parking* shall mean parking which has limited turnover during a normal working weekday. Long-term parking includes employee-type parking or residential-type parking."
- The six-inch difference is also nominal and inconsequential when considered from the perspective of the entire plan, because residents will be familiar with the situation and will adapt their parking similar to many people who park at their homes in the neighborhood in narrow driveways, old model-T-size garages, garages crowded with storage, etc. Also, there is diagonal street parking on Plum which is not striped, demonstrating that it is not necessary to have 9 feet in all situations.

Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criterion (1), "equal or better" and criterion (4) "nominal and inconsequential".

Detriment to the public good. The spaces in question would serve residents of the houses on the lot, who would be familiar with the situation and would be able to adapt and use the space available for parking. There is no other public interest involved.

Criterion (1), "equal or better". The 8.5-foot wide space per vehicle in this situation will function as well for residents of the houses, as would 9-foot spaces. Evidence that the spaces can function includes the allowance for 'compact spaces' to be 8 feet; and the fact that parallel on-street parking is typically allocated 8 feet in the city.

Criterion (4), "nominal and inconsequential". The six-inch difference, when considered from the perspective of the whole plan, meets this criterion for all of the reasons stated above.

The difference does not hinder any of the overall purposes of the Land Use Code found in subsection 1.2.2.

3. Modification of a Standard for Width of Dormers – 4.9(E)(1)(b)2.b. Eave Height

This standard limits the width of dormers on a carriage house to 25% of the wall length.

The architectural elevations show dormers on the carriage house that are 50% of the wall length.

Applicant Justification:

The applicant's modification request is attached. It explains that:

- The simple architecture was designed to match the main front house. It has been considered compatible and appropriate by staff and the applicant from the initial conceptual review, with the need for the modification discovered late in the process for that reason.
- The modification would not be detrimental to the public good and would be equal to a plan with the 25% width because the standard involves mitigating building mass overlooking neighbors' rear yards, and there are no abutting rear yards for the dormers to overlook.

On the west, the rear yard of the abutting corner lot was subdivided in the 1990's and a house was built in the rear yard, with the back of the house along the rear yard of 205 E. Plum, including a second-level deck facing the proposed carriage house. Therefore, there is no rear yard for the carriage house to overlook or loom over.

On the east, the neighboring yard is 26 feet away and separated by the second detached garage on the subject lot. That neighboring property on the east is a commercial child care center.

- The 25% difference in dormer width is nominal and inconsequential when considered from the perspective of the entire plan, because reducing its proportion would not significantly change the effect on abutting lots, which themselves have been intensified over the years and do not have the privacy sensitivity upon which the standard is based.

Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criterion (1), "equal or better" and criterion (4) "nominal and inconsequential".

Detriment to the public good. The simple architecture was designed to match the main front house and has been considered compatible and appropriate by staff from the initial conceptual review until the need for the modification was discovered in final drafting of the staff report. The standard involves the relationship to abutting rear yards and in this case there is no particular public interest involved as explained in the applicants request and below.

Criterion (1), "equal or better". Because the dormers as designed are set back from the wall below and because of the nature of development on the lots next door, the specific width of the dormers does not matter in terms of a sensitive privacy relationship to back yards.

Criterion (4), "nominal and inconsequential". The difference in dormer width, when considered from the perspective of the whole plan, meets this criterion for the reasons stated above.

The difference does not hinder any of the overall purposes of the Lan Use Code found in subsection 1.2.2.

3. Land Use Code Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Landscaping Standards Section 3.2.1	<ul style="list-style-type: none"> Existing established landscaping is retained in the plan as-is. 	N.A.
Access, Circulation and Parking Standards Section 3.2.2	<p>This Section requires convenient, efficient parking and circulation that adds to the attractiveness of the development.</p> <ul style="list-style-type: none"> The plan fits within the established historic neighborhood pattern of streets and blocks with alleys; and a walkway provides access to the carriage house from the street. 	Complies
Bicycle parking: subsection 3.2.2(C)(4) -	Bicycle parking standards do not apply to the single family and two-family dwellings.	N.A.
Vehicle Use Area Setbacks Subsection 3.2.2(J)	A modification of this standard is discussed previously in this report in discussion under Article 2.	Modification Requested
Parking - number of off-street spaces subsection 3.2.2(K)(1)(a) and (c)	<p>Standards in this subsection require a total of six spaces.</p> <p>The existing duplex requires 5 spaces (3 for the 7-bedroom house and 1.5 for the basement apartment, rounded up to result in 5).</p> <p>The carriage house requires 1 additional space.</p> <ul style="list-style-type: none"> The plan provides six spaces, based on a modification for side lot line setbacks. 	Complies
3.2.2(L) Stall Dimensions	A standard in this subsection requires 90-degree head-in parking space to be 9 feet wide. A modification of the standard is discussed previously in this report in discussion under Article 2.	Modification Requested
Site Lighting Section 3.2.4	No lighting plan is included because the only lighting, if any, will be on the building and any fixture(s) would be reviewed with a building permit.	N.A.
Trash and Recycling Section 3.2.5	A trash enclosure is not required for the houses on the lot, which will continue its current residential bin service.	N.A.

B. DIVISION 3.3 - ENGINEERING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Plats and Easements Section 3.3.1	This Section requires dedication of any necessary easements. <ul style="list-style-type: none"> The plan includes dedication of the City's standard 8-foot utility easement along the alley. No other dedications are needed. 	Complies

C. DIVISION 3.5 – BUILDING DESIGN STANDARDS

Staff finds that building design standards in Article 3 are do not apply because building design is governed by specific standards for carriage houses in the NCB zone district in Article 4.

D. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Emergency Access Section 3.6.6	This Section is to ensure that emergency vehicles can gain access to and maneuver within the project so that emergency personnel can provide fire protection and emergency services without delays. <ul style="list-style-type: none"> The plan includes a walkway from the street to the entry of the dwelling in a manner that is appropriate for emergency access to the development. 	Complies

4. Land Use Code Article 4 – Applicable Standards

Article 4 of the Land Use Code contains standards for the various zoning districts throughout the City.

A. DIVISION 4.9 – NEIGHBORHOOD CONSERVATION, BUFFER DISTRICT

The Neighborhood Conservation, Buffer District (N-C-B) is intended for areas that are a transition between residential neighborhoods and more intensive commercial-use areas or high traffic zones that have been given this designation in accordance with an adopted subarea plan. The NCB zone contains specific standards for building dimensions with specific standards for carriage houses.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.9(B) Permitted Uses	The proposed carriage house is a permitted use. Note that the land use code refers to a ‘carriage house’ interchangeably with ‘single-family detached dwelling located behind a street-fronting dwelling on the same lot’.	Complies
4.9(D)(2) Floor Area and Footprint	This standard limits the floor area and footprint of a carriage house to 1,000 sq. ft. and 600 sq. ft. respectively. <ul style="list-style-type: none"> The proposed plan complies with a footprint of 435 sq. ft. and total floor area under 700 sq. ft. 	Complies
4.9(D)(5) Allowable Floor Area on Rear Half of Lots	This standard limits floor area on the rear half of a lot to 33 percent of the overall lot area. <ul style="list-style-type: none"> The proposed plan complies, with less than 1,000 sq. ft. in the rear half of the 7,000 sq. ft. lot., which would allow for 1,167 sq. ft. 	Complies
4.9(D)(6) Dimensional Standards	Several standards require building setbacks, and a standard limits building height to 1½ stories. Setback standards do not apply because the building is existing. However the building does happen to have setbacks that would comply. <ul style="list-style-type: none"> The building height is 1½ stories. 	Complies
4.9(E)(1)(b)2. Eave Height and Dormer Width	This standard limits exterior eave height along a side lot line to 13 feet. The eave of a dormer may exceed that height if set back at least two feet from the wall below and does not exceed 25% of the wall length. <ul style="list-style-type: none"> The eave height is less than 13 feet. A modification is requested for the dormer width, as explained previously in this report under Article 2. 	Modification Requested
4.9(E)(3)(c)(1) Additional Review Criteria for Carriage Houses	This standard requires a yard area with privacy screening containing at least 120 square feet to serve both the carriage house and the existing principal dwelling. Such yard area shall be at least 10 feet in its smallest dimension. <ul style="list-style-type: none"> The site plan identifies a compliant 120 sq.ft. yard area between the carriage house and the other existing detached garage, plus there is much larger additional outdoor space between the carriage house and the main house. 	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>4.9(E)(3)(c)(2)</p>	<p>This standard requires that to the extent reasonably feasible, decks, entry doors, major entry access stairs or major windows shall face the existing principal building or the alley to minimize windows overlooking an abutting side or rear yard.</p> <p>Staff finds that this standard is not applicable because there are no abutting side or rear yards as explained below.</p> <p>The carriage house has dormer windows on its sides, facing abutting lots, however, staff finds that the windows do not overlook side or rear yards because:</p> <p>The rear yard lot of the corner lot on the west was subdivided in the 1990's and a house was built in that rear yard, with the back of the house overlooking the rear yard of the subject property, with a deck overlooking the subject property. Therefore, there is no rear yard for the carriage house to overlook, which is the subject of the standard.</p> <p>The rear yard of the property to the east is separated from the carriage house by 26 feet with an intervening detached garage. Note that that property is a commercial child care center.</p>	<p>N.A.</p>

5. Findings of Fact/Conclusion

In evaluating the request for the 205 East Plum Street Carriage House #FDP210013, staff makes the following findings of fact:

1. The combined PDP/FDP complies with process requirements located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
2. The modification of a standard to subsection 3.22(J) *Setbacks*, requiring parking setbacks from side lot lines, would not be detrimental to the public good and meets the applicable requirements of subsection 2.8.2(H)(1) and (4) because the abutting lots are fully screened from the parking in the plan as explained in this report.
3. The modification of a standard to subsection 3.2.2(L) *Parking Stall Dimensions*, would not be detrimental to the public good and meets the applicable requirements of subsection 2.8.2(H)(1) and (4) because the reduced parking space width from 9 feet to 8.5 feet, for four of the six parking spaces along the alley, is adequate for residents of the houses who would use the spaces as explained in this report.
4. The modification of a standard to subsection 4.9(E)(1)(b)2.b. *Eave Height*, for width of dormers, would not be detrimental to the public good and meets the applicable requirements of subsection 2.8.2(H)(1) and (4) because of the relationship to development on abutting lots and separation from the lot to the east as explained in this report.
5. The PDP complies with pertinent standards located in Article 3 – General Development Standards.
6. The PDP complies with pertinent standards located in Division 4.16, Downtown (D) District in Article 4 – Districts.

6. Recommendation

Staff recommends that the Hearing Officer approve the 205 East Plum Street Carriage House #FDP210013 based on the Findings of Fact and supporting explanations found in the staff report.

7. Attachments

1. Applicants Narrative
2. Site Plan
3. Building Elevations
4. Modification Request #1 – Parking Setback From Side Lot Lines
5. Modification Request #2 – Parking Space Width
6. Modification Request #3 – Dormer Width