

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

**FINDINGS AND DECISION**

HEARING DATE: January 31, 2024

PROJECT NAME: 611 Laporte Avenue Carriage House

CASE NUMBER: FDP 230018

APPLICANT/OWNER: Curt and Jill Bear  
611 Laporte Ave  
Fort Collins, CO 80521

HEARING OFFICER: Lori Strand

**PROJECT DESCRIPTION/BACKGROUND:** This is a request for a combined Project Development Plan and Final Development Plan to construct a detached structure (the “Proposed Structure”) with a single-family detached dwelling (also referred to as a “carriage house”) with a garage and office space in the rear yard of an existing single-family detached dwelling (the “Application”) located at 611 Laporte Avenue (the “Subject Property”).

The Subject Property is zoned Neighborhood Conservation, Medium Density (N-C-M) district. The N-C-M district requires administrative review to establish the single-family detached dwelling (or carriage house) use.

The Application includes a request for a modification from the standard set forth in Section 4.8(F)(1)(d) of the Land Use Code (“LUC”) that prohibits a second floor from overhanging the lower front wall of a new building. The Application seeks a modification to allow the upper level of the north side of the Proposed Structure to overhang the lower level by 16’-5” to create a covered patio area as shown on the site plan and elevations for the Proposed Structure (the “Modification of Standard”).

The surrounding zoning and land uses are set forth below:

	North	South	East	West
<b>Zoning</b>	Neighborhood Conservation Medium Density (N-C-M)	Neighborhood Conservation Medium Density (N-C-M)	Neighborhood Conservation Medium Density (N-C-M)	Neighborhood Conservation Medium Density (N-C-M)
<b>Land Use</b>	Single-family dwellings on the adjacent block face	Single-family dwellings across the alley	Single-family dwellings on the same block face	Single-family dwellings on the same block face

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 the Modification of Standard.

**SUMMARY OF DECISION:**      Approved.

**ZONE DISTRICT:**                      Neighborhood Conservation, Medium Density (N-C-M) district

**HEARING:** The Hearing Officer opened the remote hearing on the Application at approximately 5:30 P.M. on January 31, 2024.

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

1. Staff Report, which includes the following attachments:
  - (a) Applicant Narrative.
  - (b) Site Plan and Architectural Plans and Elevations (12 sheets).
  - (c) Request for Modification of Standard.
  - (d) Utility Plan (4 sheets).
  - (e) Proposed utility easement.

2. City staff power point presentation.
3. Applicant power point presentation.
4. Copies of written notices of virtual public hearing, dated January 16, 2024 and January 19, 2024. The January 16<sup>th</sup> notice mistakenly identified the hearing date as Monday, January 31, 2024. The January 19<sup>th</sup> notice was provided to correctly identify the hearing date as Wednesday, January 31, 2024.
5. Affidavit of published notice of public hearing in Coloradoan.
6. Email from Hearing Officer to Arlo Schumann requesting that Mr. Schumann provide additional information at the public hearing.
7. Written public comment from R. Everette in support of the Application.
8. Rules of Conduct for Administrative Hearings.
9. Administrative (Type 1) Hearing: Order of Proceedings.
10. The City's Comprehensive 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: Arlo Schumann, City Planner

From the Applicant/Owner: Noah Hutchison, Hutch Design + Build

From the Public: Leaf Mattern, 219 N. Grant Ave, testified in favor of the Application.

The remote hearing on this Application was closed at approximately 6:30 P.M. on January 31, 2024.

#### FINDINGS

1. Evidence presented to the Hearing Officer established 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 generally furthers the purposes of the LUC set forth in Section 1.2.2.
- B. The Application complies with the applicable procedural and administrative requirements of Article 2 of the LUC.
- C. The Application complies with the applicable General Development Standards contained in Article 3 of the LUC.
- D. Approval of the requested Modification of Standard to Section 4.8(F)(1)(d) of the LUC to allow the second floor of the front side of the Proposed Structure to overhang the lower front wall by 16'-5" will not be detrimental to the public good. The Application as submitted will not diverge from the LUC except in a nominal inconsequential way when considered from the perspective of the entire development plan. The Application will continue to advance the purposes of the LUC contained in Section 1.2.2, including by improving the design, quality, and character of new development, ensuring that development proposals are sensitive to the character of existing neighborhoods, and providing additional housing opportunities. Testimony provided at the public hearing and evidence in the record demonstrate that the purpose of the no-overhang standard is to preserve neighborhood architectural character as viewed from the street. In this case, the overhang will have limited if any visibility from the street given that it is located approximately 250 feet from Laporte Avenue and is screened by the existing single-family detached dwelling and mature landscaping. Similarly, the overhang provides an amenity (a covered patio area) for the residents of the carriage house at a location interior to the site, which is preferable to a covered patio immediately adjacent to the alley. In addition, this design allows for two off-street parking spaces to be located along the alley.
- E. Except for LUC Section 4.8(F)(1)(d), which is the subject of the requested Modification of Standard, the Application complies with the applicable standards in Division 4.8 of the LUC.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the 611 LaPorte Avenue Carriage House FDP 230018 and the Modification of Standard.

DATED this 13<sup>th</sup> day of February, 2024.



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Lori Strand  
Hearing Officer

**ATTACHMENT A**

Staff Report  
611 Laporte Avenue Carriage House  
FDP 230018

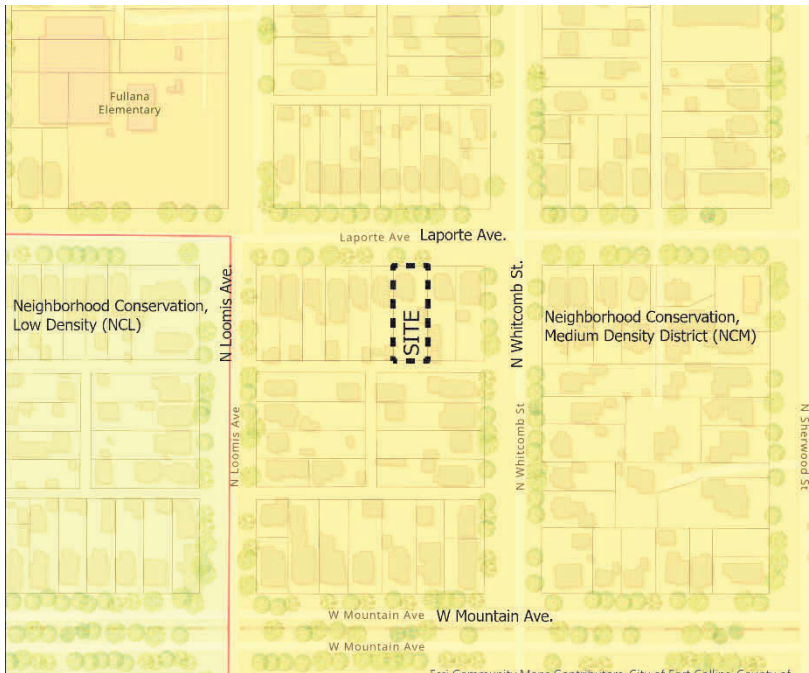
Administrative Hearing: January 31, 2024

## 611 Laporte Avenue Carriage House #FDP230018

### Summary of Request

This is a combined Project Development Plan/Final Development Plan to build a 1 bedroom carriage house dwelling unit on the rear portion of 611 Laporte Ave. The structure would include garage and office space along with the dwelling unit.

### Zoning Map



### Next Steps

If approved by the Hearing Officer, the applicant will be eligible to apply for a building permit for construction of the carriage house.

### Site Location

611 Laporte Ave in the Old Town West Neighborhood. Parcel #9711305004.

### Zoning

Neighborhood Conservation, Medium Density District (NCM).

### Property Owner

Curt and Jill Bear  
611 Laporte Ave  
Fort Collins, CO 80521

### Applicant/Representative

Noah Hutchison  
2506 Suncrest Dr  
Loveland, CO 80537

### Staff

Arlo Schumann, City Planner

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### Staff Recommendation

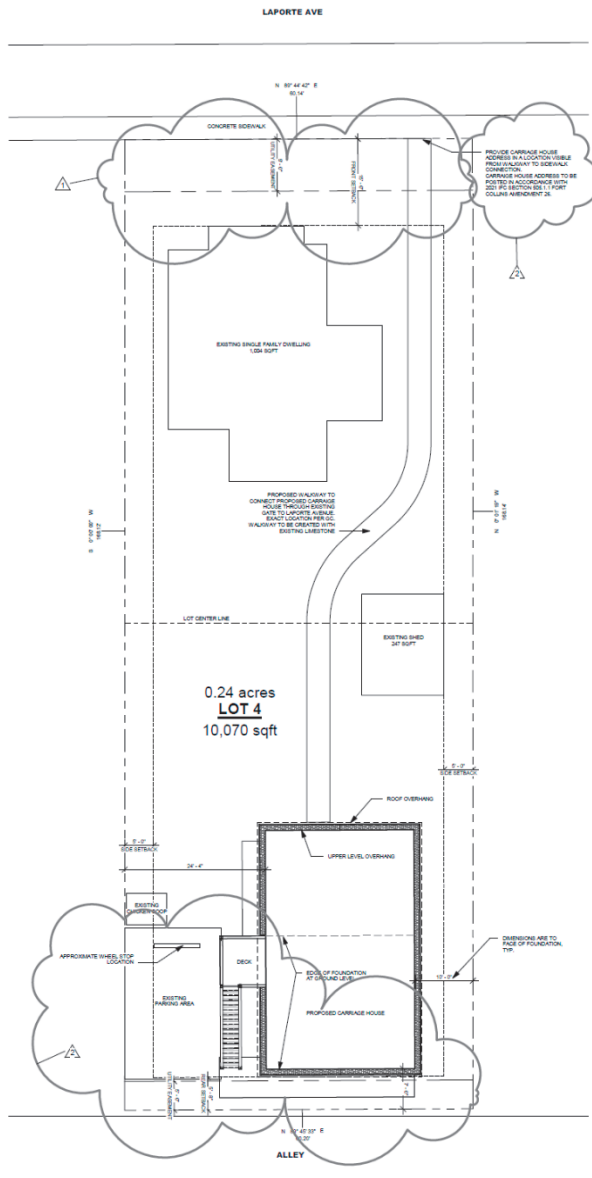
Approval of FDP230018 and associated modification of standard.

# 1. Project Introduction

## A. PROJECT DESCRIPTION

The applicant is requesting to build a 1 bedroom carriage house dwelling unit on the rear portion of 611 Laporte Ave. The structure would include garage and office space along with the dwelling unit.

- The applicant is seeking a modification of standards to have a portion of the upper level overhang the lower level on the front face of the building.
- The property is within the NCM zoning district which permits the use subject to Administrative Review and hearing by a Hearing Officer.



1 SITE PLAN - LAPORTE CARRIAGE HOUSE  
 SCALE 1" = 10'-0"  
 0 5 10 20

## B. DEVELOPMENT STATUS/BACKGROUND

### 1. Subject Property

The existing primary single-family house was built in 1905 within the Loomis subdivision.

### 2. Surrounding Zoning and Land Use

	North	South	East	West
<b>Zoning</b>	Neighborhood Conservation, Medium Density District (NCM)	Neighborhood Conservation, Medium Density District (NCM)	Neighborhood Conservation, Medium Density District (NCM)	Neighborhood Conservation, Medium Density District (NCM)
<b>Land Use</b>	Single-family dwellings on the adjacent block face	Single-family dwellings across the alley	Single-family dwellings on the same block face	Single-family dwellings on the same block face



## C. OVERVIEW OF MAIN CONSIDERATIONS

The plans were developed, and issues were clarified through three rounds of plan review, responses to comments, and questions.

- Development of a plan for a carriage house in keeping with the vision of the (2017) Old Town Neighborhoods Plan and the Neighborhood Conservation, Medium Density District (NCM) zone district standards.

## D. CITY OF FORT COLLINS LAND USE CODE & CITY PLAN

The Land Use Code's purpose statement per 1.2.2(A) is to ensure that all growth and development that occurs is consistent with this Code, City Plan, and its adopted components, including, but not limited to, the Structure Plan, Principles and Policies and associated sub-area plan.



The City’s comprehensive plan (2019 *City Plan*) embodies the vision and values of the community for the future. It does not specifically address issues of occupancy.

A significant theme in the plan is encouraging more housing options in general. For example, Policy LIV 5.6 on p. 42 states: “EXISTING NEIGHBORHOODS: Expand housing options in existing neighborhoods (where permitted by underlying zoning) by encouraging: » Infill development on vacant and underutilized lots; » Internal ADUs such as basement or upstairs apartments; » Detached ADUs on lots of sufficient size; and » Duplexes, townhomes or other alternatives to detached single-family homes that are compatible with the scale and mass of adjacent properties.”

The Structure Plan designates this neighborhood with the “Mixed Neighborhood” place type, which is characterized by single-family homes.

## 2. Land Use Code Article 2

### A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

#### 1. Conceptual Review – CDR220037

A conceptual review meeting was held on April 6, 2023.

#### 2. First Submittal

The PDP/FDP was submitted on August 9, 2023

#### 3. Neighborhood Meeting

Pursuant to *LUC Section 2.2.2 – Step 2: Neighborhood Meetings*, a neighborhood meeting is not required for Administrative Hearing (Type 1) projects and no meeting was held.

#### 4. Notice (Posted, Written and Published)

Posted Notice: September 22, 2023, Sign #803.

Written Hearing Notice: January 16, 2024, 340 addresses mailed.

Published Hearing Notice: January 24, 2024.

### B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The applicant requests one modification of standards, as described in detail below.

The Land Use Code is adopted with the recognition that there will be instances where a project would support the implementation of City Plan, but due to unique and unforeseen circumstances would not meet a specific standard of the Land Use Code as stated. Accordingly, code standards include provisions for modifications. The modification process and criteria in Land Use Code Division 2.8.2(H) provide for evaluation of these instances on a case-by-case basis, 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 to 4.8(F)(1)(d) Building Design

**The standard:**

**4.8(F)(1)(d) Building Design.** *A second floor shall not overhang the lower front or side exterior walls of a new or existing building.*

**Overview**

The north (street facing) side of the carriage house has the upper level overhanging the lower level creating a covered patio area. The overhang is shown as 16'-5" in depth.

**Summary of Applicant Justification**

The applicant's modification request is in the submittal materials.

The request is based on a lack of detriment to the public good, and subparagraph (4) about – the “modified except in a nominal, inconsequential way”. Key points made in the request include:

- The building is set back from the street (Laporte Ave) approximately 250ft.
- The north side of the building is screened from the street by existing buildings set in front of the proposed carriage house.

- The intent of the requirement is to preserve neighborhood architectural character as viewed from the street, but in this case, the overhang is screened from view and provides a more attractive design when viewed from the alley.

**Staff Findings**

Staff finds that the granting of the modification would not be detrimental to the public good and that the request satisfies subparagraph (4) in subsection 2.8.2(H).

**Detriment to the public good.** Staff’s finding is based on consideration of the intent of the requirement and standards for exemption to the Building Design standards and that the applicant is providing an overall design solution in keeping with the intent of the carriage house design requirements.

**Subparagraph (4), “modified except in a nominal, inconsequential way.”** Staff finds that the building overhang is mitigated by the proposed design and is nominal and inconsequential when considering the overall development plan.

- The proposed building will result in an overall design in keeping with the characteristics of the carriage house standards.

**3. Land Use Code Article 3**

**A. DIVISION 3.2 – SITE PLANNING AND DESIGN STANDARDS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.2.2 – Access, Circulation and Parking – General Standard</b>	This code Section requires secure, convenient, efficient parking and circulation improvements that add to the attractiveness of the development. The only applicable standards are parking requirements for vehicles. <ul style="list-style-type: none"> <li>• The plan provides specific required parking per the subsections noted below.</li> </ul>	Complies
<b>3.2.2(C)(4) – Bicycle Parking Space Requirements</b>	This subsection requires does not apply to singly family detached units.	NA
<b>3.2.2(K)(1)(c) – Required Number of Off-Street Spaces</b>	Single-Family Detached: For each single-family dwelling there shall 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. <ul style="list-style-type: none"> <li>• Two spaces are provided. One space for the existing single family home and one space for the proposed carriage house.</li> </ul>	Complies

**B. 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.

## 4. Land Use Code Article 4

### A. DIVISION 4.8 – NEIGHBORHOOD CONSERVATION, MEDIUM DENSITY DISTRICT (NCM)

The NCM zone district was created in 1997 as implementation of the City’s comprehensive plan and has been re-established in subsequent updates.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.8(A) - Purpose	This Section states: <b>“Purpose.</b> <i>The Neighborhood Conservation, Medium Density District is intended to preserve the character of areas that have a predominance of developed single-family and low- to medium-density multi-family housing and have been given this designation in accordance with an adopted subarea plan.</i>	Complies as a part of the overall Loomis development
4.8(B) - Permitted Uses	Single-family detached dwellings, when there is more than one (1) principal building on the lot are permitted with review and a public hearing by an administrative hearing officer.	Complies
4.8(D)(3) - 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 rear half lot area. <ul style="list-style-type: none"> <li>• This lot has an allowable rear floor area of 1,765 sq ft. The proposed carriage house and existing shed total 1,212 sq ft.</li> </ul>	Complies
4.8(D)(4) - 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"> <li>• The proposed plan complies with a footprint of 597 sq. ft. and total floor area of 965 sq. ft.</li> </ul>	Complies
4.8(E)(3) Dimensional Standards	Minimum rear yard setback shall be five (5) feet from existing alleys. <ul style="list-style-type: none"> <li>• Applicant proposes to be setback 5’-8” from rear property line.</li> </ul>	Complies
4.8(E)(4) Dimensional Standards	Minimum side yard width shall be five (5) feet for all interior side yards. <ul style="list-style-type: none"> <li>• Applicants proposed setbacks are 10’-0” or greater</li> </ul>	Complies
4.8(E)(5)(c) Dimensional Standards	The height of a carriage house or an accessory building containing habitable space shall not exceed twenty-four (24) feet. <ul style="list-style-type: none"> <li>• Applicant proposes an overall height of 23’-10”</li> </ul>	Complies
4.8(E)(6)(a) Dimensional Standards	The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a carriage house. <ul style="list-style-type: none"> <li>• Applicant proposes an eave height of 10’-1 ½”</li> </ul>	Complies
4.8(F)(1)(d) Development Standards	A second floor shall not overhang the lower front or side exterior walls of a new or existing building. <ul style="list-style-type: none"> <li>• A modification is requested to allow a front overhang of the carriage house.</li> </ul>	Modification Requested

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.8(F)(2)(a)2. Development Standards	<p>A minimum of one (1) off-street parking space must be provided for every bedroom contained within a carriage house.</p> <ul style="list-style-type: none"> <li>The proposed carriage house has 1 bedroom. The applicant is providing a dedicated space directly west of the proposed building.</li> </ul>	Complies
4.8(F)(2)(c) Development Standards	<p>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.</p> <ul style="list-style-type: none"> <li>Site plan is showing ample yard space between the existing structures and the proposed carriage house.</li> </ul> <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> <ul style="list-style-type: none"> <li>Only the entry door faces a side property line and is on the side of the carriage house that is furthest setback from adjacent properties.</li> </ul>	Complies

## 5. Findings of Fact/Conclusion

In evaluating the request for 611 Laporte Ave Carriage House #FDP230018, staff makes the following findings of fact and conclusions:

1. The Plan complies per 1.2.2(A) with the pertinent provisions of the Land Use Code, City Plan and its adopted components.
2. The Project Development Plan/Final Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
3. The modification of a standard to subsection 4.9(F)(1)(d) *building Design*, for overhang on the front of the carriage house, would not be detrimental to the public good and meets the applicable requirements of subsection 2.8.2(H)(4) because of the project meets the intent of the design standards for carriage houses and the area in question is screened from public view.
4. The plan complies with pertinent standards located in Article 3 – General Development Standards.
5. The plan complies with Division 4.8 - Neighborhood Conservation, Medium Density District in Article 4.

## 6. Recommendation

Staff recommends that the Hearing Officer approve 611 Laporte Ave Carriage House #FDP230018 based on the Findings of Fact and supporting explanations found in the staff report.

## 7. Attachments

1. Applicant Narrative
2. Site Plan and Architectural Plans and Elevations
3. Modification Request - Overhang
4. Utility Plan
5. Easement Dedication