

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

FINDINGS AND DECISION

HEARING DATE: July 1, 2020

PROJECT NAME: 613 S. Meldrum Street Modifications of Standards

CASE NUMBER: MOD 200001

APPLICANT/OWNER: Jeff Palomo
613 S. Meldrum Street
Fort Collins, CO 80521

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION: This is a standalone request for five (5) modifications of standards set forth in Division 4.9 of the City of Fort Collins Land Use Code (“LUC”) governing size limits on carriage houses in the Neighborhood Conservation, Buffer (N-C-B) zone district.

The request has been submitted in advance of a development plan application.

The subject property is located at 613 S. Meldrum Street, Fort Collins, CO 80521 (the “Subject Property”). The Subject Property contains a brick classic cottage constructed circa 1910.

The Applicant is requesting the modifications of standards to facilitate development in the rear of the Subject Property of one structure that combines a single dwelling unit with 1-car garage and an additional habitable living space with a hobby/knitting room, a carpentry/utility room, art room, and a 2-car garage (collectively referred to herein as the “Enhanced Carriage House”).

BACKGROUND:

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	Single-family houses and a rear yard duplex	Single-family houses and apartment buildings	CSU parking lot and single-family houses	Rear yards and parking for single-family houses and a rear yard duplex across the alley
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The Applicant requests the following five (5) modifications of standards set forth in Division 4.9 of the LUC (collectively, the “Modifications of Standards”):

1. LUC Section 4.9(D)(2) limits the total floor area for carriage houses as follows:

“Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of one thousand (1,000) square feet of floor area.”

The request is for 2,190 square feet.

2. LUC Section 4.9(D)(2) limits the building footprint for carriage houses as follows:

“The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet.”

The request is for 1,570 square feet.

3. LUC Section 4.9(D)(5) limits building floor area in the rear half of lots:

“The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot.”

The rear half of the Subject Property is 4,750 square feet; 33 percent of that is 1,583 square feet. The request is for 2,190 square feet.

4. LUC Section 4.9(E)(2) limits side wall eave height in the rear yard:

“The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space.”

The request is for a gabled eave 23 feet high.

5. LUC Section 4.9(E)(2) limits dormers, related to the issue of side wall eave height:

“An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.”

The request includes a dormer feature that is 43% of the wall length. It is set back approximately 15 feet.

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

SUMMARY OF DECISION: Denied.

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

HEARING: The Hearing Officer opened the remote hearing at approximately 5:35 p.m. on Wednesday, July 1, 2020 .

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 prepared for 613 S. Meldrum St. (MOD #200001), attached to this decision as **ATTACHMENT A**.
2. Applicant’s written Request & Justification.
3. Copy of written notice of hearing mailed on June 17, 2020.
4. Copy and confirmation of purchase from *Fort Collins Coloradoan* Ad#0004247864, and Affidavit of Publication, evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradoan* on June 21, 2020.
5. Copy of PowerPoint presentation presented during the hearing by Clark Mapes, AICP, City Planner.
6. Copy of PowerPoint presentation presented during the hearing by Denise White and Jeff Palomo.
7. Proposed Carriage House Plans.
8. Written comment from Rayne Martin, Rainbird Design, dated June 26, 2020
9. Written comment from Colin Christensen, dated June 29, 2020.
10. Written comment from Caroline and Nick Tuttle, dated June 25, 2020.
11. Written correspondence between Maren Bzdek, Clark Mapes, and Jeff Palomo.
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
Maren Bzdek, Senior Historic Preservation Planner
- From the Applicant/Owner: Jeff Palomo
Denise White (Owner’s partner and part-time resident)
- From the Public: None.

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 of Maren Bzdek and the Staff Report, the existing single-family structure on the Subject Property, constructed circa 1910, is eligible for local landmark designation, which eligibility requires an heightened review process prior to demolition of the structure and requires any new construction on the Subject Property to meet design compatibility and historic resource treatment standards.
4. The Hearing Officer evaluated the request based on the standards set forth in Section 2.8.2(H) of the LUC governing decisions on modifications of standards. Per Section 2.8.2(H), the Hearing Officer may grant a modification of standard only if the granting of the modification would not be detrimental to the public good and that one of four other criteria set forth in Section 2.8.2(H)(1) through (4) is met.
5. The Applicant’s written Request & Justification and presentation focused on the Enhanced Carriage House not being detrimental to the public good and the criterion set forth in Section 2.8.2(H)(1). The criterion in Section 2.8.2(H)(1) requires the Hearing Officer to find that “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.” (Emphasis added.)

6. Mr. Mapes provided clarification during the hearing that, notwithstanding the Staff Report, City staff's analysis focused on the criterion in Section 2.8.2(H)(1) and not on whether or not the Modifications of Standards would be detrimental to the public good. Mr. Mapes testified that he did not think the Modifications of Standards would be detrimental to the public good.
7. 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 Modifications of Standards do not meet the applicable requirements of Section 2.8.2(H) of the Land Use Code. The Hearing Officer specifically finds:
 - i. Granting of the standalone Modifications of Standards would not be detrimental to the public good. The area of the N-C-B zone district where the Subject Property is located is comprised of a variety of uses (including single-family, duplex, quadplex, and multi-family uses, a fraternity house, a commercial parking lot, and a church) with a range of different floor areas, building footprints, and heights. The Modifications of Standards would facilitate the development of an enlarged carriage house that is generally compatible with the floor areas, building footprints, and heights of existing and planned development in the area surrounding the Subject Property, the purposes of the N-C-B zone district, and the density and eclectic character of this area of the N-C-B zone district. This finding is limited to the standalone Modifications of Standards and does not extend to the proposed design and development plan for the Enhanced Carriage House, which have not been fully reviewed by the City or the Hearing Officer.
 - ii. While the Applicant presented testimony that their proposed Enhanced Carriage House would provide a transition between residential and commercial areas consistent with the purpose of the N-C-B zone district, the Applicant failed to demonstrate that the Modifications of Standards will promote the general purposes of the standards set forth in LUC Sections 4.9(D)(2) (as to total floor area and building footprint), 4.9(D)(5) (as to building floor area in the rear half of lots), and 4.9(E)(2) (as to side wall eave heights and dormers) equally or better than a project that complies with the subject standards (including, for example, a compliant carriage house). These purposes include, without limitation, protecting the privacy

of and views from adjacent properties and ensuring that carriage houses are subordinate in massing to primary dwelling units.

- iii. The Applicant presented testimony that the subject standards (i.e., LUC §§ 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2)) are no longer appropriate for the area of the N-C-B zone district where the Subject Property is located, suggesting that the standards are outdated and misaligned with the changed conditions and demographics of the area. The Applicant more broadly testified that the N-C-B zone district does not reflect the existing and changing conditions of the area of the N-C-B zone district where the Subject Property is located and that a City planning effort specific to this area of the N-C-B zone district is needed.
- iv. It is not the role of the Hearing Officer to determine whether changed conditions and demographics of an area warrant revisions to legislatively-adopted standards in the LUC and, if so, what new standards may be appropriate. Such determinations are the purview of City Council after appropriate public outreach and input.
- v. The Hearing Officer lacks the authority under LUC §2.8.2(H) to grant the Modifications of Standards on the basis that the subject standards (i.e., LUC §§ 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2)) might be outdated or that the Modifications of Standards might facilitate development that is compatible with the surrounding area.
- vi. The Applicant did not present evidence to support the granting of the Modifications of Standards under the other criteria set forth in Sections 2.8.2(H)(2) through (4) and, therefore, the Hearing Officer finds that none of these criteria are met.
 - (a) With regard to Section 2.8.2(H)(2), the Applicant expressed their desire to maintain the existing single-family dwelling, which is an historic resource, in furtherance of several City policies related to historic preservation, but the record fails to demonstrate that strict application of LUC §§ 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2) will render the project practically infeasible. The Applicant testified that the Enhanced Carriage House is their preferred option from a design, functionality, and financial perspective, but they acknowledged there remain other alternatives that would not require demolition of the historic resource (e.g., two carriage houses or rear expansion of the existing structure).

(b) With regard to Section 2.8.2(H)(3), no evidence was presented that there exist exceptional physical conditions or other extraordinary and exceptional situations, unique to the Subject Property, that warrant granting the Modifications of Standards.

(c) Finally, with regard to Section 2.8.2(H)(4), the Modifications of Standards diverge substantially from the subject standards (i.e., LUC §§ 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2)).

DECISION

Based on the findings set forth above, the Hearing Officer hereby denies the 613 S. Meldrum Street Modifications of Standards (MOD 200001).

DATED this 15th day of July, 2020.

L. Strand

Lori Strand
Hearing Officer

ATTACHMENT A

Staff Report

613 S. Meldrum Street Modifications of Standards, MOD 200001

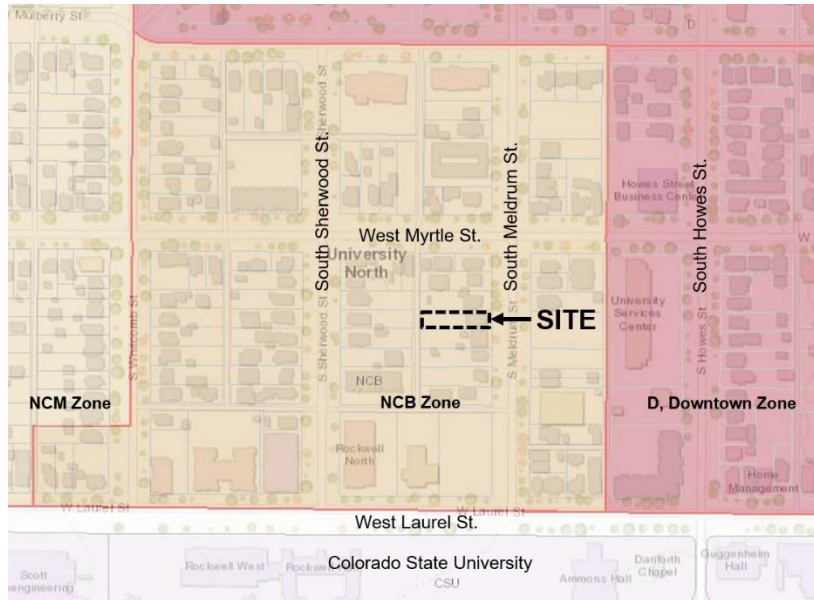
Administrative Hearing: July 1, 2020

613 South Meldrum Street Modifications of Standards, MOD 200001

Summary of Request

This is a stand-alone request for five Modifications of Standards in the City of Fort Collins Land Use Code (LUC) governing size limits on carriage houses in the Neighborhood Conservation Buffer (NCB) zone district.

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant would be eligible to submit a development plan application for a carriage house with the modified size limits within the next 12 months. This application for building size modifications is separate from subsequent review of an actual development plan and must not be construed as an implied approval of a development plan. If the modifications are approved, they would represent modified *maximum* size limits for building footprint and floor area. A development plan process could possibly involve design and compatibility findings that could result in reduced final dimensions.

Site Location

613 S. Meldrum Street, located on the first block north of the Colorado State University (CSU) main campus.

Zoning

Neighborhood Conservation, Buffer District (NCB)

Property Owner

Jeff Palomo
613 S. Meldrum St.
Fort Collins, CO 80521

Applicant/Representative

Same as above

Staff

Clark Mapes, City Planner

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Staff Recommendation

Denial of the Modification Requests.

1. Project Introduction

A. PROJECT DESCRIPTION

The Neighborhood Conservation, Buffer (NCB) Zoning District contains detailed standards that limit the size of carriage houses in rear yards of residential lots. This stand-alone request consists of the following five Modifications of Standards:

Subject	Zoning Standard	Modified Request
Building Footprint	600 sq. ft.(max)	1,570 sq. ft.
Total Floor Area	1,000 sq. ft. (max)	2,190 sq. ft.
Floor Area in Rear Half of Lot	1,583 sq. ft. (max)	2,190 sq. ft.
Eave Height Along Side Lot Line	13 feet (max)	23 feet
Width of Dormers Along Side Lot Line	25% of side wall length (max)	43% of side wall length

1. Development Status and Background

Historic Resource. The subject property contains a brick Classic Cottage constructed circa 1910 and found eligible for local landmark designation in 2018, based on its original architectural integrity. This eligibility limits any ability to remove and replace the principal building on the lot and requires that any new construction on the site meets design compatibility and historic resource treatment standards. Compatibility requirements would be applied when a future development plan is submitted.

Old Town Neighborhoods Plan and NCB zoning. The subject property is in the Old Town Neighborhoods subarea plan area of Fort Collins. The neighborhoods encompass many of the earliest residential blocks in Fort Collins and are characterized by the classical grid street pattern of short blocks, historic home styles, and mature trees.

An ongoing neighborhood concern has long been how best to preserve, protect and enhance neighborhood character while still allowing opportunities to adapt to evolving community and social changes.

A continuum of community planning has produced subarea plans, character studies, zoning standards, and design guidelines in open and highly engaged public processes since at least the 1980's. The NCB zoning district, and carriage house standards specifically, result from some of these processes.

The adopted Old Town Neighborhoods Plan recognizes the NCB area around south Meldrum as catering primarily to college student rental housing, including many apartment buildings. NCB zoning allows two-family and multifamily residential development, and within the past 10 years, several larger apartment projects have been constructed along Laurel Street, across from the CSU campus and located within the same zone district as this proposal.

The Modification of Standard requests are based largely on apparent contradictions in the NCB zoning – i.e., that it allows for removal of original houses, if they are not historic landmark-eligible, for replacement by much larger apartment buildings and parking lots; while it limits new construction to a greater degree when an existing house is preserved and a detached carriage house is proposed. The applicant suggests that the latter approach is the most compatible approach to new construction.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)
Land Use	Single family houses and a rear yard duplex	Single family houses and apartment buildings	CSU parking lot and single family houses	Rear yards and parking for single family houses and a rear yard duplex across the alley

B. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF REVIEW

Staff engaged in extensive consideration and exploration of potential support for the requested Modifications of Standards, due to the context on this particular block and adjoining blocks. The original historic pattern of modest houses with generous rear yards and small garages has been altered by 1) re-subdivision of corner lots, resulting in additional houses in formerly rear yard areas; 2) assembly of lots and removal of houses, replaced by larger apartment buildings, an office building, and parking lots in the southern portion of the block; and 3) construction of duplexes in rear yards. A large carriage house in the rear yard of a preserved and renovated historic landmark could arguably represent one of the more compatible changes that has occurred and will occur on the block.

Staff review has included extensive discussion with the applicants to reach mutual understanding of both the NCB standards and the specific proposal. The proposal has evolved in pre-submittal discussions and throughout the review process. For example, the original Conceptual Review meeting in January 2020 was for a proposed duplex in the rear yard (which is not a permitted use), followed by extensive exploration of the idea of two carriage houses, leading to this proposal for a large carriage house requiring modifications to all size limit standards.

Discussion has highlighted nuances and apparent contradictions in the NCB zone, which have been part of the applicant's justifications.

Staff considered the possibility of findings based on modifications serving the purpose of the standards equally well or better than less-conservation-oriented plans that *would* meet NCB standards, e.g., demolition of houses and construction of larger multifamily buildings.

However, historic landmark eligibility would prevent such a plan on the subject property; and this perspective, i.e., that a more intense plan could meet the standards, has come up in the past but has not been used for staff findings.

Essentially, the proposed justification is that NCB zoning is not appropriate for its purposes. To the extent that may be the case, it is not a criterion on which staff can base findings on the carriage house standards.

A Potential Subsequent Development Plan. The consideration of modifications of size limits is separate from subsequent review of an actual development plan if the modifications are approved. They would represent *maximum* size limits; however it is important to be clear that review of the development plan could involve staff findings regarding design and compatibility that could require reduced building size in order for staff to recommend approval of the actual development plans.

2. Public Outreach

A. NEIGHBORHOOD MEETING

A neighborhood meeting was not required for this land use, which requires 'Administrative Review' and for which neighborhood meeting requirements are not applicable.

B. PUBLIC COMMENTS:

No public comment has been received to-date. Any comments received prior to the hearing will be forwarded to the hearing officer for consideration.

3. Land Use Code Article 2 – Procedural Requirements

A. PROCEDURAL OVERVIEW

1. Conceptual Review – CDR200005

A conceptual review meeting for the property was held on January 23, 2020.

2. First Submittal – PDP200002

The first submittal of this modification request was completed on May 22, 2020.

3. Neighborhood Meeting

Not required and not held as noted above.

4. Notice (Posted, Written and Published)

Posted Sign: June 1, 2020, Sign #546

Written Hearing Notice: June 17, 2020, 107 addresses mailed.

Published Hearing Notice: June 2, 2020 in the Coloradoan newspaper

Hearing notification area (blue shading)



4. Land Use Code Article 2 - Staff Analysis of Modifications of Standards

A. STANDARDS SUMMARY

The applicant requests modifications of five standards in Division 4.9, the Neighborhood Conservation, Buffer zone district, in order to enable construction of a carriage house that would be larger than would otherwise be permitted by the standards. The standards address building footprint, total floor area, floor area in the rear half of a lot, side wall eave height, and extent of dormers along side walls.

Staff analysis of the request discusses the modification requests together as a single unified request because they are all inseparable aspects of the larger building construction sought by the applicant.

B. STANDARDS FOR REVIEW OF MODIFICATIONS

Modifications are governed by Section 2.8.2(H) and are provided here for reference:

“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).”

C. MODIFICATION REQUESTS AND APPLICANT'S JUSTIFICATION

The specific request comprises five standards as follows:

1. Code Section 4.9(D)(2) limits the total floor area for carriage houses as follows:

“Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of one thousand (1,000) square feet of floor area.”

The request is for 2,190 square feet.

2. Code Section 4.9(D)(2) also limits the building footprint:

“The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet.”

The request is for 1,570 square feet.

3. Code Section 4.9(D)(5) limits building floor area in the rear half of lots:

“The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot.” The rear half of the lot is 4,750 square feet; 33 percent of that is 1,583 square feet.

The request is for 2,190 square feet.

4. Code Section 4.9(E)(2) limits side wall eave height in the rear yard:

“The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space.”

The request is for a gabled eave 23 feet high.

5. Code Section 4.9(E)(2) limits dormers, related to the issue of side wall eave height:

“An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.”

The request includes a dormer feature that is 43% of the wall length. It is set back approximately 15 feet.

Applicant's Justification. The applicant's justification is attached. Staff's interpretation is that the request is based upon the modification criteria in subparagraph 2.8.2(H)(1) above -- “as good or better.”

Staff's interpretation of the applicant's key points in the request is summarized as follows:

- The zoning does not fit well with the character of this particular NCB area as it exists and is evolving. Much of the original neighborhood context has been lost due to redevelopment and infill that alters the character of this block, as well as adjacent blocks in this NCB area.
- Relatedly, the historic neighborhood context continues to be lost because more of the original houses can be removed for multifamily development – i.e., those houses that are not eligible for landmark designation.
- The proposed approach to infill -- preserving the house and adding floor area in the rear yard – is “as good or better” than other changes that have occurred and will continue to occur under NCB zoning, for purposes of the NCB zoning.
- The applicant has noted that the zoning does not prohibit construction of two carriage houses, and the justification suggests that the requested floor area allowance is similar to two carriage houses.

The application highlights nearby examples of the bullet points above. For example, a recent example is two doors to the south, 621 S. Meldrum, where the original house was removed and replaced with a new large multifamily building, which overlooks the subject property as well as the intervening lot, and has a parking lot in its rear yard. Other examples are noted on the block and adjoining blocks. The request includes photos of these examples.

Also, on the intervening lot between the 621 S. Meldrum example and the subject property, the owner has had a Conceptual Review meeting for a proposal to remove the existing house and construct two duplexes, one behind the other. The second duplex would not be permitted behind the street-facing one under NCB zoning, and so the proposal connects the two duplexes with a roof over an intervening patio, which changes the classification to a fourplex, which is permitted. That conceptual proposal for the lot next door is shown on the last page of the request. No plan has been submitted following the Conceptual Review, but it is an example of what the NCB zoning permits.

As part of the overall block context, the applicant notes that two other rear yard duplexes exist on the block – one two doors to the north, and one across the alley, built before the NCB zoning standards were adopted. The one to the north is a garden level two-story building that faces the neighboring rear yard and has similar floor area to the proposed floor area.

D. STAFF FINDINGS

Staff finds that the Modifications of Standards would be detrimental to the public good and are not justified under subparagraph 2.8.2(H)(1) because:

- 1) The carriage house size and height standards specifically limit the scale of construction in rear yards, with limits on total size and side walls facing and overlooking neighboring rear yards. The standards result from thorough public processes and represent an adopted compromise among varied interests. The overall scale of proposed building as well as the high side walls would introduce construction of a scale that exceeds the specific limits to a degree that would introduce significant visual and privacy impacts that are intended to be avoided under the standards.
- 2) The standards require a scale of construction that is typically subordinate to the original houses which define the historic character that is intended to be reflected in development projects. The proposed modifications would allow a building with similar or greater mass than the original houses along the fronts of lots in the area.
- 3) To the extent that the proposal may represent compatibility with neighborhood character to a greater degree than zoning allows for other proposals on other properties, the larger question of whether the NCB zone standards are appropriate is beyond the scope of review of an individual development pursuant to the standards as adopted.
- 4) To the extent that the proposal may represent compatibility with neighborhood character that is equal or better in comparison to past development prior to the current zoning, it would not be a reason to support the modifications because the current standards may reflect a community response to past development.

5. Findings of Fact/Conclusion

In evaluating the request for the 613 South Meldrum Street Modifications of Standards, MOD200001, staff makes the following findings of fact:

- The modification requests comply with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The proposed modifications do not comply with standards in Section 2.8.2(H) and would be detrimental to the public good due to the extent of departure from the adopted carriage house size limit standards.
- The extent of the proposed increased size limits does not meet the purposes of the carriage house size limits standards equally well or better than a compliant plan, regardless of design mitigation of the size.

6. Recommendation

Staff recommends that the Hearing Officer deny MOD200001 based on the analysis and Findings of Fact/Conclusion in this Staff Report.

7. Attachments

1. Applicants' Narrative