

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

FINDINGS AND DECISION

HEARING DATE: November 1, 2018

PROJECT NAME: 1608 Whedbee Street Extra Occupancy

CASE NUMBER: #FDP180023

APPLICANT: Diane, Jon and Scott Erickson
1425 Meeker Drive
Fort Collins, CO 80524

OWNERS: Diane, Jon and Scott Erickson
1425 Meeker Drive
Fort Collins, CO 80524

John and Nancy Such
P.O. Box 770203
Steamboat Springs, CO 80477

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a proposal to convert an existing 2,367 sf single-family dwelling located at 1608 Whedbee Street in the City of Fort Collins (“Subject Property”) into an extra occupancy rental house to allow four (4) tenants. The only physical alteration proposed to the Subject Property is to add two (2) new parking spaces in the front/side yard along the southern boundary of the Subject Property for a total of three (3) parking spaces. The Subject Property is zoned Low Density Mixed-Use Neighborhood (L-M-N).

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Low Density Mixed-Use Neighborhood (L-M-N).

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on Thursday, November 1, 2018, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

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

1. Vicinity / Zoning Map
2. 1608 Whedbee Street Site Plan
3. 1608 Whedbee Street Floor Plans
4. 1608 Whedbee Street Proposed Site Plan

5. Affidavit of Publication dated October 22, 2018, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on October 22, 2018.
6. Notice of Public Hearing dated October 18, 2018.
7. A copy of the Planning Department Staff Report prepared for the above-referenced Application.
8. A copy of the Planning Department PowerPoint prepared for the November 1, 2018 hearing.
9. Rules of Conduct application to Administrative (Type 1) hearings.
10. Email from Sandy Smiley (1610 Whedbee Street) dated October 29, 2018, addressed to City Staff, and indicating support for the Application.
11. Email from JJ Levy (235 Circle Dr.) dated October 26, 2018, addressed to City Staff, and indicating concerns with higher density housing.
12. Memo dated November 1, 2018 from Shawna Van Zee, addressed to the Hearing Officer, and containing a record of four (4) voicemails received by City Staff relating to the Application.

In addition to the documents identified above, the Hearing Officer also considers the City's Comprehensive Plan, Land Use Code, and the formally promulgated polices of the City as part of the record of this proceeding.

TESTIMONY: The following persons testified at the hearing:

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|---------------------|--|
| From the City: | Shawna Van Zee, Associate Planner |
| From the Applicant: | Diane and Jon Erikson
1425 Meeker Drive
Fort Collins, CO 80524 |
| From the Public: | None |

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. 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 Code;
 - b. Section 4.5(B)(2)(a)(8) of the Code permits extra occupancy rental houses with four (4) or more tenants in the L-M-N District, subject to administrative review;
 - c. the Application conforms to the occupancy limits and separation requirements set forth in the table included in Section 3.8.28(A) of the Code;

- d. the Application complies with the requirements set forth in Section 3.2.2(K)(1)(j) of the Code in that: (1) there are three (3) parking spaces provided, which complies with the 0.75 ($\frac{3}{4}$) parking space per tenant ratio set forth in the Code, and (2) all three parking spaces have direct access to Whedbee Street, which is required given that the street frontage of the Subject Property exceeds sixty-five feet (65’).
3. The Application’s satisfaction of the applicable Article 2, 3 and 4 Code requirements is sufficiently detailed in the Staff Report, which is part of the record of this proceeding.

DECISION

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

The Application (consolidated PDP/FDP for 1608 Whedbee Street Extra Occupancy, FDP180023) is approved for the Subject Property in the form submitted.

DATED this 2nd day of November, 2018.



Marcus A. McAskin
Hearing Officer