



BOARD OF ADJUSTMENTS
February 25, 2021 7:00pm

REGULAR MEETING

Please click the link below to join the webinar:

<https://zoom.us/j/96684134565?pwd=aVhHNFpwaG0vMCt5THFpNUdKN05wQT09>

Passcode: 030275

Webinar ID: 966 8413 4565

Or iPhone one-tap:

US: +12532158782,,96684134565# or +13462487799,,96684134565#

Or Telephone:

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128

No member or officer will be present at a physical meeting location.

Members of the public may also provide public comment or comment on a specific agenda item by sending an email to birdca@wellingtoncolorado.gov. The email must be received by 5:00 p.m. Thursday February 25, 2021 and will be read into the record during public comment or public comment for the agenda item.

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- 1. CALL TO ORDER**
 - 2. ROLL CALL**
 - 3. ADDITIONS TO OR DELETIONS FROM THE AGENDA**
 - 4. PUBLIC FORUM**
Public invited to be heard on non-agenda items (time limit of 3 minutes per person)
 - 5. CONSIDERATION OF MINUTES**
 - 5.A. Meeting Minutes**
 - Regular meeting minutes of January 28, 2021
 - 6. NEW BUSINESS**
 - 6.A. Variance Request – Reduce Front Yard Setback for an Attached Garage from 25 ft. to 20 ft. on Lot 15, Block 1, Boxelder Commons Subdivision, Filing 2**
 - 6.B. Variance Request – Reduce Front Yard Setback for a Town Office Building to 4 ft. on Lot 1, Block 6, Wellington (3749 Harrison Ave.) and Modify Off-Street Parking Quantity and Design Requirements**
 - 7. ANNOUNCEMENTS**
 - 8. ADJOURNMENT**



**TOWN OF WELLINGTON
BOARD OF ADJUSTMENTS**

**REGULAR MEETING MINUTES
January 28, 2021**

1. CALL TO ORDER

The Board of Adjustments Meeting for the Town of Wellington, Colorado, met on January 28, 2021, in an online web conference at 7:00 p.m.

2. ROLL CALL

Members Present:	Don Irwin, Chairman Christine Gaiter, Vice-Chair Eric Stahl Wyatt Knutson
Members Absent:	John Jerome
Town Staff Present:	Cody Bird, Planning Director Liz Young Winne, Planner II Patty Lundy, Development Coordinator

3. ADDITIONS TO OR DELETIONS FROM THE AGENDA

- None

4. PUBLIC FORUM

- Kathy Wydallis introduced herself as someone who is interested in being on the Board of Adjustments and is attending the meeting to learn how the Board operates.

Chairman Irwin explained the roles and responsibilities of the Board of Adjustments. The Town has rules and regulations and the Board of Adjustments hears cases such as variances when a modification to the rules is requested by an applicant. The job of this board is to hear their request and either approve it or disprove it and may make adjustments to the rules and regulations to find a solution to their situation.

Cody Bird, Planning Director added that the Board of Adjustments also serves as the Town's Construction Trades Board for the adopted International Building Code if there is a discrepancy on a building code interpretation that needs clarification. The final piece the Board of Adjustment handles is it conducts hearings if an applicant has a grievance about a decision of the Building Official or town administration, they can appeal that decision to this board. In any situation, the ruling of the Board of Adjustments is final.

5. CONSIDERATION OF MINUTES

A. Meeting minutes of May 28, 2020

Moved by Member Gaiter, seconded by Member Knutson to approve the minutes as presented. Motion passed 4-0.

6. NEW BUSINESS

A. Election of Officers

Christine Gaiter nominated Don Irwin for Chair, seconded by Wyatt Knutson.
Approved 4-0.

Don Irwin nominated Christine Gaiter for Vice-Chair, seconded by Eric Stahl.
Approved 4-0.

B. Variance Request – Reduce Front Yard Setback for an Attached Garage from 25 ft. to 20 ft. on Lot 15, Block 1, Boxelder Commons Subdivision, Filing 2

Cody Bird, Planning Director, explained that tonight there is a little bit of an unusual situation. There are four members present tonight and that is enough to conduct meeting business. However, one of the Board members has indicated they have a conflict of interest on this variance request and would have to abstain from the vote. With the abstention, there would only be three members to vote on the variance, and we would lose the quorum to take an action on the request. Due to the loss of quorum in this situation, staff's recommendation is to table this agenda item to be heard at the February 25, 2021 regular meeting of the Board of Adjustments when other members of the Board could be in attendance to fulfill the quorum requirements. The applicant for this request was contacted and they did not have a problem with tabling the request to a later date.

Irwin opened the public hearing.

Pam Reagan, neighbor, asked for clarification on the proposed date for the continuatio.

Bird confirmed the date and time proposed was February 25, 2021 at 7:00 p.m.

Chairman Irwin, seeing no other public comments, closed the public hearing.

Chairman Irwin moved to table the variance request to the next regular Board of Adjustments meeting on February 25, 2021 at 7:00 p.m. to be held on a web conference meeting. Member Gaiter seconded. Passed 4-0

7. ANNOUNCEMENTS

- Bird advised that a variance request was advertised for the February 25th meeting, in addition to the variance request that was just tabled to the same date. Therefore, there will be two variance requests on the next meeting.

Adjournment

Moved by Stahl, seconded by Knutson to adjourn the meeting.

With all in favor, the meeting was adjourned at 7:30 pm.

Approved this ____ day of _____, 2021

Recording Secretary

Board of Adjustments Meeting

Agenda Item #6A

Meeting Date: February 25, 2021

Submitted By: Cody Bird, Planning Director

Agenda Category: Old Business

Subject:

Variance Request – Reduce Front Yard Setback for an Attached Garage from 25 ft. to 20 ft. on Lot 15, Block 1, Boxelder Commons Subdivision, Filing 2

Background:

- This variance request was originally scheduled for hearing at the January 28, 2021 Board of Adjustments meeting. Due to lack of a quorum, the agenda item was tabled to the February 25, 2021 meeting. The date, time and location of the continued public hearing was stated on the record at the January 28, 2021 meeting to satisfy the public notice requirement. The sign on the site was also reposted.
- Below is the original staff report from the January 28, 2021 meeting. No changes were made subsequent to the public hearing continuation.
- Applicant, Hartford Construction, LLC, has submitted a request seeking relief from section 16-6-10 of the Wellington Municipal Code to allow a reduction of the front yard setback for an attached garage on Lot 15, Block 1, Boxelder Commons Subdivision, Filing 2 (7569 Horsechestnut St.).
- Section 16-6-10 of the Wellington Municipal Code establishes a required 20 ft. front yard setback for attached garages on properties zoned R2 Single-family Residential.
- The applicant has requested a variance to reduce the garage setback to 20 ft. to accommodate a home with an attached garage that was constructed 5 ft. into the required garage setback. The construction was completed and has passed all building code inspections prior to the error being identified.
- A request for variance is a quasi-judicial proceeding and requires a public hearing. The Board will need to hear and weigh testimony presented at the public hearing.

Staff Comments:

- When considering a request for a variance, the Board of Adjustments must review certain findings of fact. The factors which are to be considered are listed below, and staff's opinion of each factor follows (*in italics*).
 1. There exist exceptional or extraordinary physical circumstances of the subject property that are not generally applicable to other properties in Town.
 - *The subject property is located within the subdivision recorded as Boxelder Commons Subdivision, Filing 2 (also known as Harvest Village).*
 - *All lots within the subdivision meet or exceed the Town's minimum lot size and dimensional requirements for the R-2 Single-family Residential zoning district.*

- *Lots in this subdivision typically have a 14 ft. utility easement along the front property line and a 6 ft. easement along the rear property line.*
 - *The constructed dwelling and attached garage do not encroach on any platted setbacks.*
 - *Staff does not determine that circumstances are exceptional since all properties within the subdivision have similar constraints.*
2. Literal interpretation of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land use code (a hardship).
- *Strict interpretation of the code does not allow attached garages within the R2 zoning district to be located within 25 ft. of the front property line.*
 - *Strict application of the 25 ft. front garage setback does not prevent use of the property for permitted uses within the district.*
 - *Strict application of the code would result in the applicant needing to make significant structural changes to the garage. Such modifications would compromise the use of the garage structure for the use it is intended – garage would not be long enough to securely park a vehicle.*
 - *The additional cost of re-designing and re-constructing the garage to meet the 25 ft. setback may also be considered a hardship.*
3. The exceptional circumstance or hardship does not result solely from an action or actions of the applicant.
- *The applicant did not construct the garage within the required 25 ft. garage setback with the purpose of deliberately reducing the setback. Multiple agencies had an opportunity to review the plot plan and did not identify an error in the setback dimensions. By the time the error was identified, all construction was completed, and the applicant was seeking a final certificate of occupancy.*
 - *Staff does not find that the action or actions taken by the applicant in the construction of the home and garage are the sole responsibility of the applicant.*
4. The variance, if granted, will not violate the spirit and intent of the code.
- *One of the reasons for the required 25 ft. garage setback is to allow adequate space for a vehicle to be parked in the driveway and not obstruct the public sidewalk.*
 - *Typical parking space design length is 20 ft.; however, it is assumed that vehicles in residential driveways will not be parked with the front bumper against the garage door, thus 5 additional ft. is required to allow the separation and still maintain access on the sidewalk.*
 - *As constructed, there is 26 ft. available between the sidewalk and the front wall of the garage, providing adequate space to park a vehicle and not obstruct the sidewalk (see attached site dimensions exhibit).*

- *Another reason for minimum setback requirements is to provide a degree of consistency in the building form and massing within a zoning district or within a subdivision.*
 - *Many other homes within the subdivision have the dwelling portion of the home at or near the 20 ft. front yard setback for principal structures. The form and massing of buildings within the subdivision remains generally consistent.*
 - *As evidenced by the photos included in this report, it is not immediately noticeable that the subject property is in violation of the garage setback and the home is otherwise consistent or compatible with other homes in the neighborhood.*
 - *For these reasons, staff suggests that the requested variance to reduce the front garage setback to 20 ft. does not violate the spirit and intent of the code.*
5. The variance, if granted, does not adversely affect the public health, safety and welfare, and in fairness to the applicant, substantial justice is done.
- *Granting the requested variance is not expected to adversely affect the public health, safety and welfare.*
 - *The proposed reduction to the front garage setback will still be consistent with the minimum front yard setback for the dwelling and generally consistent with other dwellings within the subdivision.*
 - *In fairness to the applicant, granting the variance will allow continued use of the garage for its intended purpose and the setback requirement to prevent vehicles from overhanging a public sidewalk is not compromised.*
- Based upon the preceding findings, staff recommends approval of the variance without conditions.

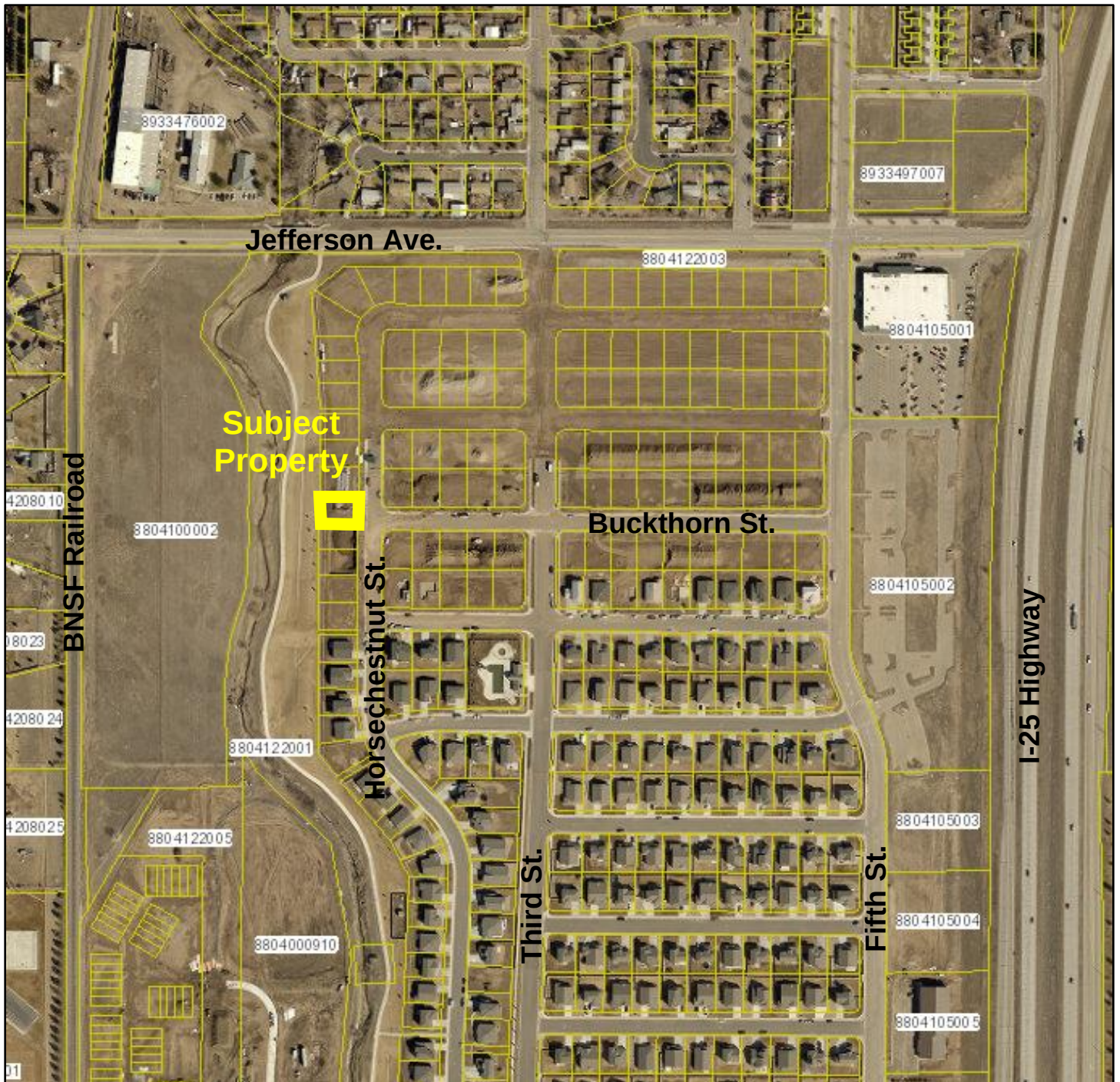
Recommendation:

- Grant a variance to vary the minimum front yard setback requirement for an attached garage within the R-2 Single-family Residential zoning district on Lot 15, Block 1, Boxelder Commons Subdivision, Filing 2 to reduce the garage setback from 25 ft. to 20 ft.

Attachments

- Location Map
- Applicant Narrative
- Site Dimension Exhibit
- Site Photos

**7569 Horsechestnut St.
Wellington, CO 80549**



APPLICANT NARRATIVE
7569 HORSE CHESTNUT ST.

1. There exist exceptional or extraordinary physical circumstances of the subject property that are not generally applicable to other properties in Town.

The building was placed on the lot by our engineer. He understood that the setback was 20 feet, and was not aware that in cases where the garage is closer to the street than the house, it must be held back to 25 feet.

2. Literal interpretation of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land use code (a hardship).

This house placement was an oversight. This oversight was reviewed by King Surveying, Hartford Homes, The Town of Wellington, and SAFEbuilt Inspection Agency. There were numerous opportunities to prevent the construction from moving forward.

3. The exceptional circumstance or hardship does not result solely from an action or actions of the applicant.

The site plan was reviewed in our office and no one noticed. The site plan was submitted to the Town and no one noticed. The site plan was reviewed by the Town's inspection agency and nothing was mentioned. The Town then issued a permit. Our engineer inspected setbacks prior to the foundation concrete being placed, the engineer prepared a setback certification, the certification was reviewed by our office, and then the certification was sent to SAFEbuilt. Nothing was mentioned by SAFEbuilt at that time. The house was inspected repeatedly by the Town's inspection agency entirely through the inspection process, and the error was not noticed. No one during the entire process noticed the error.

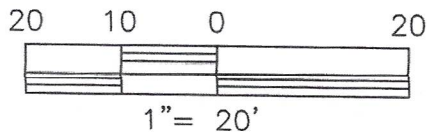
4. The variance, if granted, will not violate the spirit and intent of the code.

The placement of the house does not pose an inconsistency when viewed from the street, in fact it blends in so well that no one noticed that it was different.

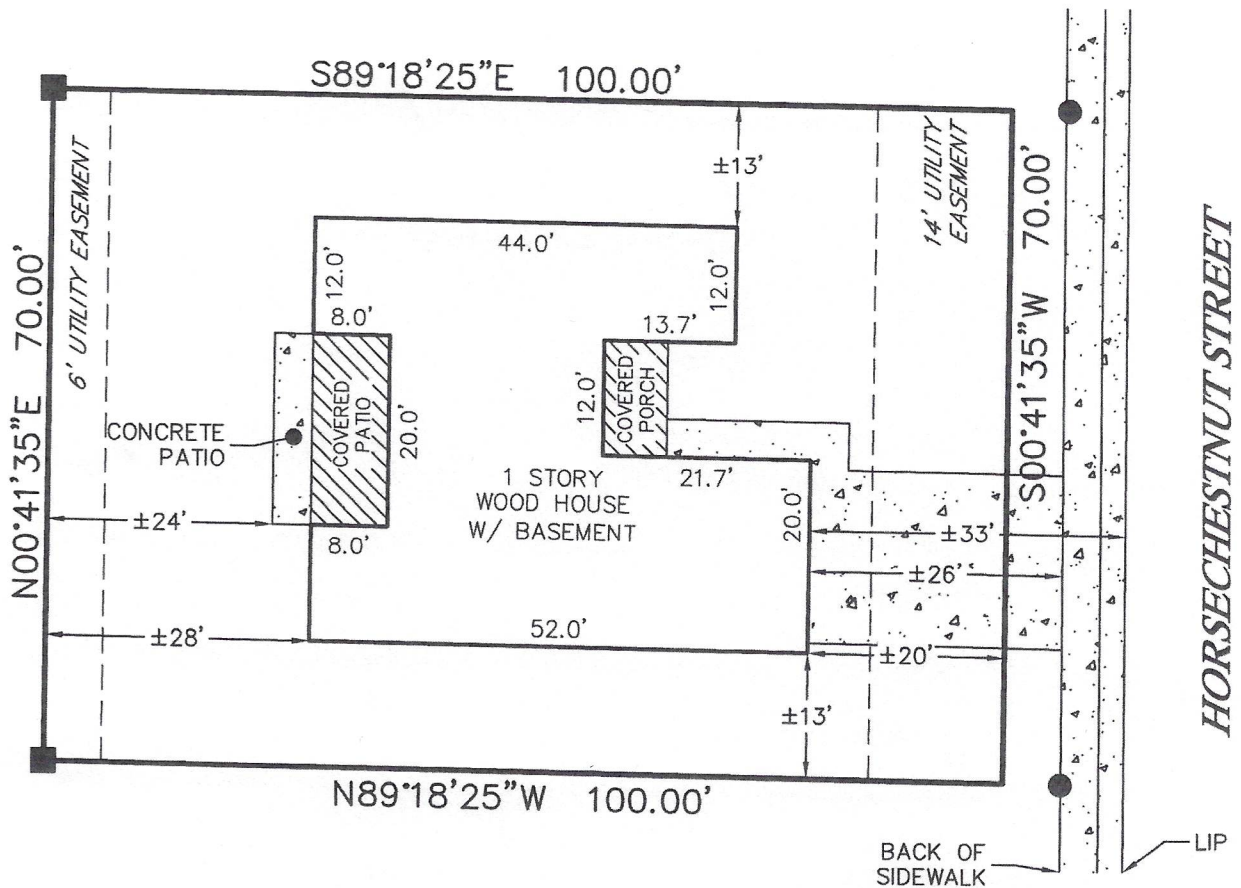
5. The variance, if granted, does not adversely affect the public health, safety and welfare, and in fairness to the applicant, substantial justice is done.

There is no safety concern, there is no health or life concern. There is no violation of building code. This was an error by all parties involved, no other way to explain it. We respectfully appeal to the Board of Adjustments for approval of this request, and we hope this oversight will not become an inconvenience or liability to the homeowner of this property.

IMPROVEMENT LOCATION CERTIFICATE



- FOUND # 4 REBAR W/ ORANGE PLASTIC CAP LS 23503
- FOUND NAIL & BRASS TAG 6' WC LS 23503



ADDRESS: 7569 HORSECHESTNUT STREET, WELLINGTON, CO.

PROPERTY DESCRIPTION: (source: CLIENT) LOT 15, BLOCK 1, BOXELDER COMMONS FILING 2, TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO.

No title work was provided by our client for the purpose of preparing this Improvement Location Certificate. Only those easements on the recorded plat of this subdivision are shown hereon.

NOTE: The improvements are generally situated as shown and only apparent improvements and encroachments are noted. King Surveyors and Christopher DePaulis, PLS will not be liable for more than the cost of this Improvement Location Certificate and then only to the client specifically shown hereon or in our files by a signed work authorization. This document is valid for 90 days after the date as shown below. Acceptance and/or use of this instrument for any purpose constitutes agreement by the client to all terms stated hereon.

I hereby certify that this Improvement Location Certificate was prepared for HARTFORD HOMES, that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. This certificate is valid only for use by HARTFORD HOMES and describes the parcel's appearance on 9/25/2020.

I further certify that the improvements on the above described parcel on this date, 9/25/2020, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

SITE PHOTOS

7569 Horsechestnut St.
Wellington, CO 80549



SITE PHOTOS

7569 Horsechestnut St.
Wellington, CO 80549



SITE PHOTOS

7569 Horsechestnut St.
Wellington, CO 80549



Board of Adjustments Meeting

Agenda Item #6B

Meeting Date: February 25, 2021

Submitted By: Cody Bird, Planning Director

Agenda Category: New Business

Subject:

Variance Request – Reduce front yard setback for a Town office building to 4 ft. on Lot 1, Block 6, Wellington (3749 Harrison Ave.) and modify off-street parking quantity and design requirements

Background:

- The Town is requesting a variance seeking relief from section 16-6-20 of the Wellington Municipal Code to allow a reduction of the front yard setback for a public office expansion on Lot 1, Block 6, Wellington (3749 Harrison Ave.).
 - Section 16-6-20 of the Wellington Municipal Code establishes minimum building setbacks for commercial, industrial and public properties.
 - The property was purchased by the Town and a conditional use approved for use of the existing residential home to be used for a Town office building.
 - The property is zoned TR – Transitional which does not have minimum setbacks identified for this zone district. Town staff has recommended that the setbacks applied to the existing residential structure would also be the base setbacks for the property under the TR zone district. Existing minimum setbacks are as follows:
 - Front (Harrison Ave.) – 20 ft.
 - Rear (alley) – zero ft.
 - Side (west) – 7 ft.
 - Second side (Third St. side) – 15 ft.
 - Based on the above setbacks, the Town is requesting to reduce the Third St. side yard setback to 4 ft. to accommodate an expansion of the existing structure for town offices. The primary structure proposed would be setback 10 ft., except at the entry where an entry porch is proposed to be at 4 ft. 9 in.
- The Town is also requesting a variance seeking relief from sections 16-3-160(f), 16-3-170, 16-3-350(e)(2)(d) and 16-3-350(f) regulating off-street parking quantity and design requirements.
 - The existing property has one (1) off-street parking space on the Third St. side.
 - Based on the square footage of the proposed building, 17 off-street parking spaces would normally be required for an office use. The Town is proposing to maximize available parking by providing 3 diagonal parking spaces along Third St. as well as preserve 2 parallel parking spaces along Third St.
 - The Town is also requesting to allow the angled parking spaces to back out onto the street in order to accommodate an ADA accessible parking space and access.
 - Lastly, the Town is requesting to reduce the parking lot landscaping requirements typical of parking lots with 10 or more parking spaces. Because the normal parking requirement for the square footage of the building space would be 17, the

Town felt it was necessary to also request reducing the parking lot landscaping provisions if the number of parking spaces required is also reduced.

- A request for variance is a quasi-judicial proceeding and requires a public hearing. The Board will need to hear and weigh testimony presented at the public hearing.

Staff Comments:

- When considering a request for a variance, the Board of Adjustments must review certain findings of fact. The factors which are to be considered are listed below, and staff's opinion of each factor follows (*in italics*).
 1. There exist exceptional or extraordinary physical circumstances of the subject property that are not generally applicable to other properties in Town.
 - *The subject property is located within the original town plat of Wellington. Lot sizes in the original town plat are typically 50 ft. wide or less.*
 - *The subject property was historically used for residential purposes, but has been zoned TR – Transitional since 2007 when the Town adopted the current zoning code. The TR zone is intended for land uses to transition to commercial purposes upon request of the property owner.*
 - *The property has public right-of-way on three sides, increasing the amount of setback area for the site and reducing the amount of buildable area.*
 - *There is an overhead power line along the north side of the alley adjacent to the site. Structures are not allowed to be constructed within 10 ft. of the overhead lines, further increasing the required setbacks.*
 - *The size of the site and three sides adjacent to public roads also limits available area to provide off-street parking and circulation aisles.*
 - *The small size of the lot and the setbacks typical of historic uses and utility encumbrances may be determined to be exceptional to this lot.*
 2. Literal interpretation of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land use code (a hardship).
 - *Strict interpretation of the code would not allow a building expansion to be located within 15 ft. of the second side (Third St.) property line.*
 - *Strict interpretation of the parking requirements would require 17 off-street parking spaces for the proposed office expansion. Strict interpretation would also not allow the parking spaces to occupy a portion of the public street right-of-way and would require additional setbacks for parking lot landscaping.*
 - *Strict application of the setbacks and the parking quantity and design requirements severely limits the redevelopment potential for commercial uses permitted within the TR Transitional zone district.*
 - *Strict application of the code would result in a commercial building that is exceptionally narrow, limiting the effectiveness of the use.*
 - *Strict application of parking requirements would require such a significant portion of the property to be paved for parking and circulation aisles that there would not be space left to construct the building expansion.*

- *Limiting the size of a commercial building to meet the 15 ft. setback along Third St. on a small lot and to require the majority of the lot for parking spaces may be considered a hardship.*
3. The exceptional circumstance or hardship does not result solely from an action or actions of the applicant.
- *The small lot size and adjacency to public rights-of-way is typical of other similar properties in the downtown area and are not the result of actions taken by the applicant.*
 - *Limitations of the lot size to construct functional off-street parking spaces is also not the result of actions by the applicant.*
4. The variance, if granted, will not violate the spirit and intent of the code.
- *The Town, in making this request for variances, is attempting to apply reasonable setbacks that are typical of other uses that may be located within the surrounding neighborhoods. The existing structure on the north side of the site is proposed to remain and is consistent with the setbacks of other residential structures along Harrison Ave.*
 - *The commercial restaurant across the alley south of the property has a zero setback on the Third St. side of the property. The proposed project provides a way of transitioning from the existing setback of the existing structure, to a mid-way point, to the zero setback of the adjacent restaurant.*
 - *Off-street parking is required to provide places for employees and visitors to businesses and public facilities a place to park vehicles. The proposed site design has attempted to maximize the amount of parking available without impairing views of vehicles turning at intersections and to ensure an ADA accessible parking space is provided. Additional public parking is available on the surrounding streets and is typical of downtown settings.*
 - *There is a provision in the town code that the location of required off-street parking facilities for other than residential uses shall be within seven hundred (700) feet of the building they are intended to serve when measured from the nearest point of the building or structure. There are 2 public parking lots managed by the Town that are within 700 ft. of the proposed office expansion project. 12 parking spaces are available on the Town Hall property on Cleveland Ave. and 16 spaces are available north of Cleveland Ave. across from Town Hall.*
 - *Employees of the Town that would be occupying the proposed office expansion at 3749 Harrison Ave. will be utilizing existing parking spaces in an effort to preserve the spaces closest to the office expansion for visitors.*
 - *Parking lot landscaping is required to visually screen parking areas from public view and to provide visual appeal and open space to commercial sites. The landscaping setbacks are typical in a downtown setting. The Town is also landscaping all of the site that is not proposed to be occupied by a structure or parking.*

- *For the above reasons, staff suggests that the requested variances to reduce the setback to and to modify the parking quantity and design requirements does not violate the spirit and intent of the code.*
- 5. The variance, if granted, does not adversely affect the public health, safety and welfare, and in fairness to the applicant, substantial justice is done.
 - *Granting the requested variances is not expected to adversely affect the public health, safety and welfare.*
 - *The proposed reduction to the setback along Third St. should provide a visual transition from the existing 14 ft. setback of the existing structure to the zero setback of the restaurant south of the property. Most of the building is setback at 10 ft., and only a small entry canopy extends to 4 ft. from the property line.*
 - *The modifications to the parking quantity and design requirements maximizes the available space for parking purposes and provides reasonable visitor parking, including ADA accessibility that would not otherwise be available.*
 - *In fairness to the applicant, granting the variances will allow the property to be utilized for needed public office spaces and makes for efficient use of town funds to further the use of an existing site near other existing town facilities.*
- Based upon the preceding findings, staff recommends approval of the variances without conditions.

Recommendation:

- Grant a variance to vary the minimum side yard setback requirement for an office building located within the TR Transitional zoning district on Lot 1, Block 6, Wellington to reduce the setback from 15 ft. to 4 ft. and to vary the parking quantity and design requirements to allow on-street diagonal parking and to waive the parking lot landscaping requirements, all in accordance with an approved site plan.

Attachments

- Location Map
- Applicant Narrative
- Site Plan

LOCATION MAP

3749 Harrison Ave.
Wellington, CO 80549



Below are the code sections we are seeking variances to, the code sections descriptions from the Land Use Code, and bullet statements describing our variance request, our hardships and additional explanations.

- To begin, our lot is currently zoned as Transitional. Given its previous existence as residential, its small size makes it difficult to follow the intent of the Land Use Code sections identified below, especially considering our desire to transition this site as a part of the downtown commercial area. We will provide more description with each section below.

16-3-160(f). – *Off-street parking design. Any offstreet parking area, with the exception of driveways accessing a garage of a single-family residential unit, shall be designed so that vehicles may exit without backing onto a public street. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks, or strike against or damage any wall, vegetation, utility or other structure.*

- We are requesting a variance to this code section that would allow our diagonal parking along 3rd street to back onto the public street.
- The width of our lot would not allow enough room for off-street parking. Our lot width is approx. 50' wide. Parking stalls and drive would require a minimum of 44' plus landscape and sidewalks. It would not be feasible to have a building and an off-street parking lot on this site.
- We are proposing that the parallel parking along 3rd Street be changed to diagonal parking. The required depth would be taken out of our property, and would not impede traffic on 3rd Street any more than current parallel parking does. We would stripe off the diagonal parking spots and parallel parking spots that front our property.
- The cars in the diagonal parking stalls would back into traffic the same amount that parallel parked cars would, when entering and exiting the parallel parking stalls.
- Adding the diagonal parking stalls are essential in order to provide an accessible parking stall for our site.
- Given that our site is zoned Transitional, this proposed parking approach is very similar to parking seen in many downtown commercial areas.
- Diagonal parking is also being considered by the Town around the park across the street.

16-3-170. – *Paved off-street parking requirements. Paved off-street parking shall be provided according to the minimum requirements as specified below:*

6. Office/business uses	1 space for every 300 square feet of gross floor area
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- Per the Land Use Code, our 4,968sf building would require 17 parking stalls.
- We are requesting a variance to provide (3) off-street parking stalls provided with diagonal parking off of 3rd Street.

- The approx. 50' width and overall small size is not large enough to provide an off-street parking lot of any size, given that parking stall and drive lanes require 44' between curbs, plus landscape buffers.
- This project is zoned Transitional and is located adjacent to the downtown commercial corridor. It is common for the commercial use buildings in downtown to share parking along the street frontages.
- The Town of Wellington has nearby buildings that employees that they intend to use for off-street parking.

16-3-350(e)(2)(d) – *Landscape setback to parking lots. Establish a setback thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between street parking areas. This setback may be reduced to fifteen (15) feet if used in combination with a three-foot to four-foot masonry or stone decorative wall. Signage may be included in this setback.*

- We are requesting a variance to this code section to not provide a landscape setback to parking lot.
- Our lot is approx. 50' wide and it is not possible to fit a parking lot with landscape setback on our property. The parking lot and drive lane would be 44' between curbs, which would not leave enough room for the landscape setback and drive access to the parking lot.
- We have provided landscaping between the sidewalk and our building addition, and we are improving the landscape around the existing building.

16-3-350(f). – *Parking lot landscaping standards. Parking lot landscaping is intended to break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project.*

(1) Applicability. All parking lots with ten (10) spaces or more shall be subject to the following requirements.

(2) The developer or assignees shall provide:

- a. Site trees. Subject to water conservation practices, a minimum of one (1) tree per twenty (20) parking spaces. Trees shall be grouped together in islands which are a minimum of ten (10) feet wide. Landscaping shall be used to break up large expanses of pavement and to create a canopy for summer shade.*
- b. Shrubs. A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area, with group plantings in landscape islands.*
- c. Ground cover. Limited areas of irrigated sod. Grass is discouraged in areas less than ten (10) feet wide and grass buffers (native grass where possible) around the lot perimeter to filter runoff and improve water quality is encouraged.*
- d. Parking setback. Landscape setbacks for parking areas thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the street. This setback may be reduced to fifteen (15) feet if used in combination with a three-*

foot to four-foot articulated masonry or stone decorative wall with trees and shrubs on both the street and parking lot sides of the wall to soften its appearance. Signage may be included in this setback.

e. Provide a mechanism for long-term maintenance of landscaping. All landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.

- Because we are not providing a parking lot, we are requesting a variance to this code section to not follow this code section.
- We are still providing (2) trees, which is (1) more than required, and we are still providing (1) shrub per 150 sf area, and following the intent of the other subsections of this code section.
- We are unable to provide a parking lot because our lot is too small and the approx. 50' width would not allow for the 44' wide parking lot and drive lane, plus the landscape setbacks.

16-6-20. – Commercial, industrial and public density and dimensional standards.

- Our site is zoned Transitional, which is not addressed in this portion of the Land Use Code.
- We have been advised by the Town planning staff to follow these setbacks:
 - o 25' - Front of existing building (north)
 - o 15' – Side of existing building (east)
 - o 0' – Alley setback (south)
 - o 7' – Neighbor setback (west)
- We are requesting that the east side setback be reduced to 4'-0".
- In order to fit a commercial office building onto our site, which has an approx. width of 50', we need to have a hallway running down the building between offices, which pushes the width of our building into the setback.
- The 4'-0" setback allows for a covered entry on the 3rd Street frontage of our building. This is intended to become the main entry for our building after the addition. This entry is also in close proximity to the ADA parking stall in the diagonal parking we are proposing.
- The majority of our building is greater than 10' away from the east property line.
- The existing building also exists within the 15' setback by approx. 1'-0".
- Given that our site is zoned Transitional, it could be considered zoned Public in the future, which would not require any setbacks.
- Also due to our site falling in the Transitional zone, if it were to follow the downtown commercial setback standards, we would not have a setback for building frontages.

infusion

ARCHITECTS, LLC

206 East 4th Street, Loveland, Colorado 80537

Project Name 3749 HARRISON AVE EXPANSION Proj. No. 20042

Client TOWN OF WELLINGTON Sheet of

Subject SITE PLAN No. SKA-001

Date 1/26/2021 By CMA

