

BOARD OF ADJUSTMENTS April 22, 2021 7:00pm

REGULAR MEETING

Please click the link below to join the webinar:

https://zoom.us/j/98933866901?pwd=YzlEaVZ5MnBNbVFkY3pESW5EeU1WZz09

Passcode: 604323 Webinar ID: 989 3386 6901 Or iPhone one-tap:

US: +13462487799,,98933866901# or +16699009128,,98933866901#

Or Telephone:

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

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 April 22, 2021 and will be read into the record during public comment for the agenda item.

- 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 February 25, 2021
- 6. NEW BUSINESS
- 6.A. Variance Request Reduce Front Yard Setback for a Town Office Building to 2 ft. on Lot 1, Block 6, Wellington (3749 Harrison Ave.)
- 7. ANNOUNCEMENTS
- 8. ADJOURNMENT



TOWN OF WELLINGTON BOARD OF ADJUSTMENTS

REGULAR MEETING MINUTES February 25, 2021

1. CALL TO ORDER

The Board of Adjustments Meeting for the Town of Wellington, Colorado, met on February 25, 2021, in an online web conference at 7:00 p.m.

2. ROLL CALL

Members Present: Don Irwin, Chairman

Christine Gaiter, Vice-Chair

Kathy Wydallis Eric Stahl

Stephen Carmen 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

Item 6B was removed from the agenda.

4. PUBLIC FORUM

 Kallie Cooper, Executive Director of the Wellington Main Streets program was happy that item 6B on the agenda was going to be tabled. She mentioned that the building at 3749 Harrison Avenue was originally constructed in 1905 and would be considered one of Wellington's oldest homes in the downtown area. She asked that while looking at that property for construction, to please keep that in mind.

Chairman Irwin asked if the property was on the historical register. Kallie Cooper replied that it was not. She did not believe there had been a survey of that building yet to see if there was any historic significance.

5. CONSIDERATION OF MINUTES

A. Meeting minutes of January 28, 2021

Moved by Member Stahl, seconded by Member Gaiter to approve the minutes as presented. Motion passed 6-0.

6. NEW BUSINESS

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

Cody Bird, Planning Director, presented the staff report. He explained that this item was tabled from last month because the last meeting did not have a quorum. He explained the 25-foot setback requirement for an attached garage is typically required to allow

adequate space for a vehicle to be parked in the driveway without obstructing the sidewalk in residential neighborhoods. In this case, the house and garage are fully constructed, and all building inspections passed. It was not until the final Certificate of Occupancy was requested by the applicant that the setback was found to be off by exactly 5 feet. No one had noticed the staking error.

Chairman Irwin opened the meeting for public comment. Seeing there were no hands raised for a comment, Chairman Irwin closed the public comment portion of the meeting.

Bird said that staff's closing comments were that the Board should consider the information included in the written staff report that is in the packet. When looking at the details of this case, staff did not identify that there was a unique hardship. However, there were multiple reviewing agencies that did not catch the setback staking error. Because there is adequate space in the driveway to park vehicles, and because this home and the adjacent homes do not appear to have a significant visual difference in the setbacks when driving down the street, staff's recommendation is to approve the request.

Chairman Irwin said that he had gone by the location and looked to see if he could see the house out of place and when he stood back and looked down the road everything lines up with the front face of the garage, so you do not notice the difference in setbacks.

Member Carman asked if the 20-foot space remaining would be adequate for a standard vehicle, or if there was a super duty truck with a long bed parked there, had the extra length been considered. Bird replied that staff had evaluated other applicable regulations within the Town's codes and one of the considerations looked at is the standard parking space design requirement for commercial site parking spaces. Parking spaces for commercial sites are required to be 10 feet wide by 20 feet deep. This size parking space has been found to accommodate most vehicles.

Member Wydallis reported that she had driven by the site and if she had not been looking for this garage, she never would have spotted the difference.

Member Stahl moved to approve the setback to 20-feet, seconded by Member Gaiter. Motion passed 6-0.

7. ANNOUNCEMENTS

Bird announced that there are currently no applications that would be scheduled for the March meeting. There is one request expected, and we are working with the applicant to determine if the request would be ready to be scheduled on the April meeting.

8. ADJOURNMENT

Moved by Member Gaiter, seconded by Member Wydallis to adjourn the meeting. With all in favor, the meeting was adjourned at 7:33 pm.

Approved this _	day of	, 2021
	Recording Secretary	

Board of Adjustments Meeting

Agenda Item #6A

Meeting Date: April 22, 2021

Submitted By: Cody Bird, Planning Director

Agenda Category: New Business

Subject:

Variance Request – Reduce front yard setback for a Town office building to 2 ft. on Lot 1, Block 6, Wellington (3749 Harrison Ave.)

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.).
 - o Section 16-6-20 of the Wellington Municipal Code establishes minimum building setbacks for commercial, industrial and public properties.
 - o 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.
 - O Based on the above setbacks, the Town is requesting to reduce the Third St. side yard setback to 2 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 2 ft.
- 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 reviews 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 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 application of the setbacks 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.
 - Limiting the size of a commercial building to meet the 15 ft. setback along Third St. on a small lot 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.
- 4. The variance, if granted, will not violate the spirit and intent of the code.
 - The Town, in making this request for a variance, 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.
 - For the above reasons, staff suggests that the requested variance to reduce the setback 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 setback along Third St. should provide a visual transition from the existing 14 ft. setback of the existing residential structure to the zero setback of the restaurant south of the property. Most

- of the proposed building expansion is setback at 10 ft., and only a small entry canopy extends to 2 ft. from the property line.
- In fairness to the applicant, granting the variance 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 variance 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 2 ft. in accordance with an approved site plan.

Attachments

- Location Map
- Applicant Narrative
- Site Plan

LOCATION MAP

3749 Harrison Ave. Wellington, CO 80549



Below is the code section we are seeking a variance to, the code section description from the Land Use Code, and bullet statements describing our variance request, our hardship and additional explanations.

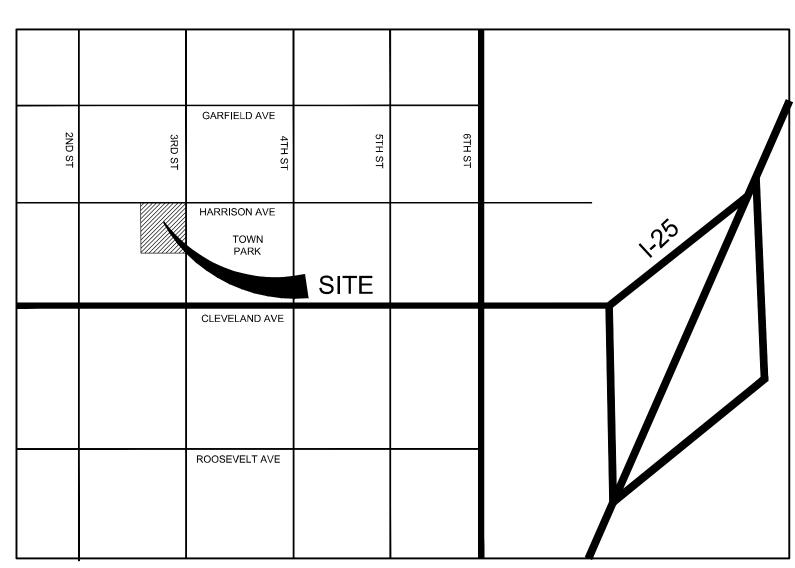
• The lot is currently zoned as Transitional. Given its previous existence as residential, its small size makes it difficult to follow the intent of the Land Use Code setbacks from the section identified below, especially considering the desire to transition this site to be a part of the downtown commercial area.

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)
 - 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 2'-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 2'-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.

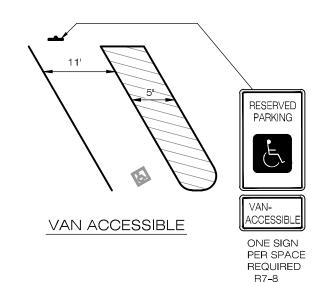
PLAN NOTES

- 1. REFER TO UTILITY PLANS FOR ALL UTILITY, DRAINAGE, GRADING, EROSION CONTROL AND STREET DESIGN REQUIREMENTS.
- 2. ANY LIGHTING IS TO BE DESIGNED AS "FULL CUT-OFF".
- 3. ALL SIGNS SHALL COMPLY WITH THE TOWN OF WELLINGTON SIGN REGULATIONS / SIGN PERMIT REQUIREMENTS.
- 4. SEE CIVIL PLANS FOR PAVEMENT TYPES AND DEPTHS.
- 5. THE CONTRACTOR SHALL NOT PURPOSEFULLY PROCEED WITH ANY CONSTRUCTION PER PLANS PROVIDED WHEN OBSTRUCTIONS AND / OR DIFFERENCES EXIST THAT WERE NOT CONSIDERED AND REVIEWED OR APPROVED. CONTRACTOR SHALL NOTIFY OWNER OR OWNER'S REPRESENTATIVE AND THE TOWN OF WELLINGTON IF SITUATION ARISES AND REVISIONS ARE NECESSARY.
- 6. THE CONTRACTOR SHALL PREVENT SEDIMENT, DEBRIS AND OTHER POLLUTANTS FROM ENTERING ANY STORM WATER SEWER SYSTEM OR, ADJACENT WATER WAYS, ETC., DURING THE DEMOLITION OR CONSTRUCTION OPERATIONS THAT ARE PART OF THIS PROJECT. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR THE EXPENSE OF CORRECTION OF ANY ADVERSE IMPACTS TO THE STORM WATER SEWER SYSTEM OR ADJACENT WATER WAYS, WETLANDS ETC., RESULTING FROM THE WORK DONE AS PART OF THIS PROJECT/CONTRACT.
- 7. THE CONTRACTOR SHALL BE RESPONSIBLE PRIOR TO BIDDING AND CONSTRUCTION, OF BECOMING AWARE OF ALL EXISTING AND PROPOSED UTILITIES, PIPES, STRUCTURES, ETC. CALL UNCC THREE DAYS BEFORE SCHEDULED WORK AT 811 OR 1~922-1987.
- 8. ANY MONUMENT SIGNAGE TO BE APPROVED THROUGH SEPARATE SIGN PERMIT WITH THE TOWN OF WELLINGTON.
- 9. KNOX BOX TO BE PROVIDED BY OWNER- LOCATION TO BE DETERMINED BY WELLINGTON FIRE.



VICINITY MAP

NOT TO SCALE



1. BOTTOM OF SIGNAGE SHALL BE MINIMUM 60" ABOVE FINISHED GRADE.

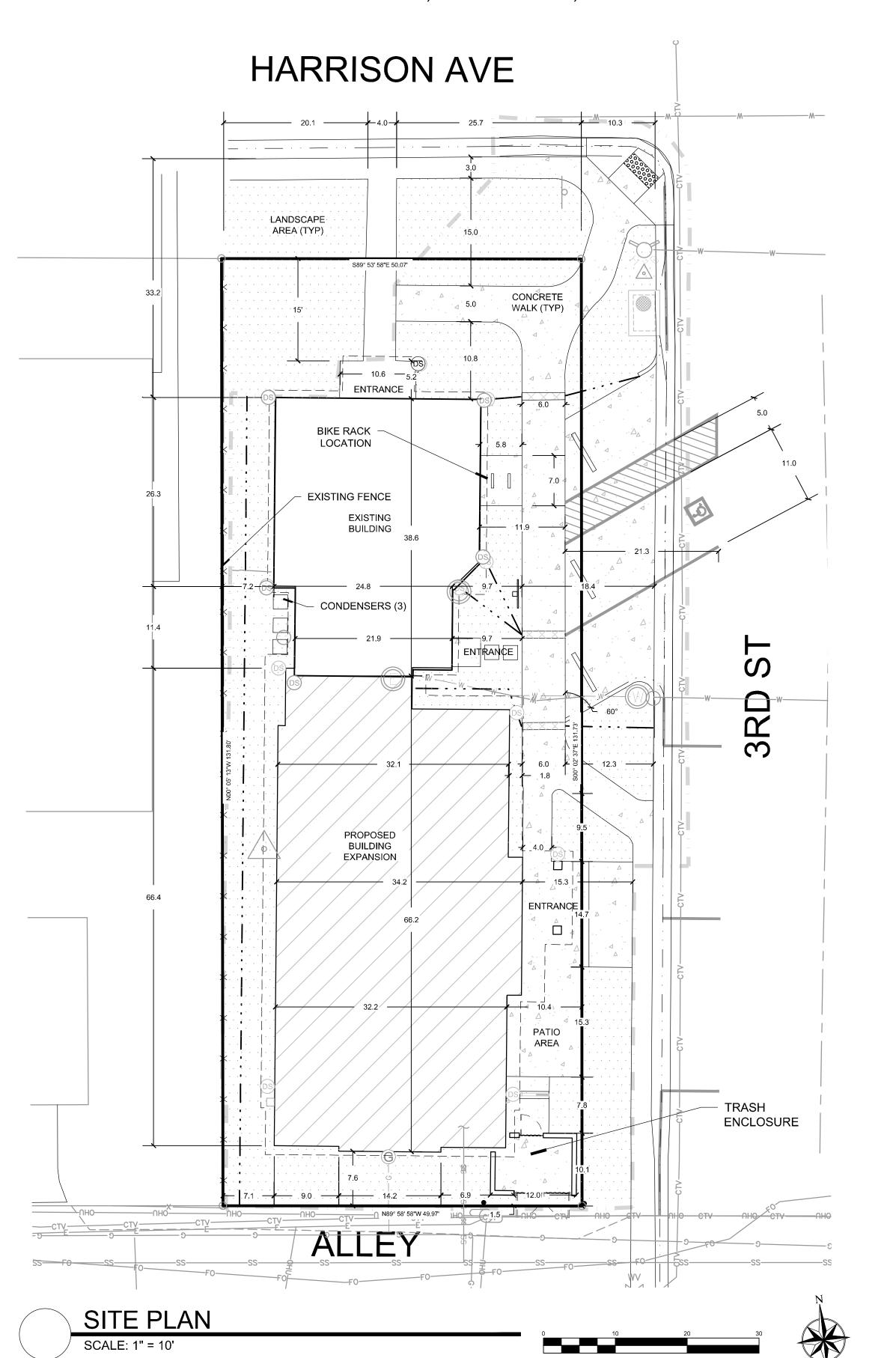
ADA STRIPING AND SIGNING REQUIREMENTS

NOT TO SCALE

SITE DEVELOPMENT PLAN

HARRISON HOUSE EXPANSION

LOT 1, BLOCK 6 WELLINGTON PLACE 1ST SUB 3749 HARRISON AVE, WELLINGTON, CO



SITE DATA:

EXISTING ZONING: (TR) TRANSITIONAL
PROPOSED ZONING: NO CHANGE
ADJACENT ZONING: S = C-2; W = SAME; E =
PUBLIC; N = R-2
SITE SF & ACREAGE: 6,600 SF / .15 ACRES
SETBACKS: N = 25'; E = 15'; S = 0'; W = 7'

BUILDING DATA:

EXISTING BUILDING FOOTPRINT 988 SF

1ST FLOOR EXPANSION FOOTPRINT: 2,074 SF

2ND FLOOR EXPANSION: 1,716 SF

OFFICE / ADMIN USE

OCCUPANT LOAD = 62
BUILDING HEIGHT:

JILDING HEIGHT: VARIES, MAX 31'-10"

TOTAL SF: 4,778 SF

LAND USE DATA:

 BUILDING FOOTPRINT:
 3,062
 45.00%

 IMPERVIOUS SURFACES:
 1,530
 22.00%

 LANDSCAPE AREA (ON-SITE):
 2,029
 32.00%

 TOTAL:
 6,600 SF
 100.00%

PARKING SUMMARY:

PARKING REQUIRED / PROVIDED (1/300 SF): 17 / 5 + ADJACENT ON-STREET PARKING
BICYCLE PARKING REQUIRED / PROVIDED: 1 / 3
ADA SPACES REQUIRED / PROVIDED: 1 / 1

TOTAL PARKING SPACES REQUIRED / PROVIDED: 5 / 5 + ADJACENT ON-STREET

DEVELOPMENT TEAM:

OWNER / DEVELOPER: TOWN OF WELLINGTON WELLINGTON, CO 970-568-3381 PLANNER / LANDSCAPE ARCHITECT: NATURAL DESIGN SOLUTIONS

5539 COLT DR LONGMONT, CO 80503 NEIL@NDSCOLORADO.COM

ARCHITECT:
INFUSION ARCHITECTS
206 E 4TH STREET
LOVELAND, CO 80537

CIVIL ENGINEER:
UNITED CIVIL DESIGN GROUP
19 OLD TOWN SQUARE #238
FORT COLLINS, CO 80524

PLANNING COMMISSION APPROVAL

THIS SITE PLAN IS APPROVED, SUBJECT TO ALL CONDITIONS SET FORTH HEREON, BY THE CURRENT PLANNING MANAGER OF THE TOWN OF WELLINGTON, LARIMER COUNTY, COLORADO, THIS ______ DAY

CURRENT PLANNING MANAGER

REVISIONS:
Site Update: 01.25.21
Bldg Change: 03.30.21

NATURAL DESIGN SOLUTIONS
Land Slanning · Irrigation Design
5539 Colt Drive, Longmont, CO 80503

ON HOUSE EXPANSION ELLINGTON, CO

HARRISON HOU WELLING

PROJ. NO.:

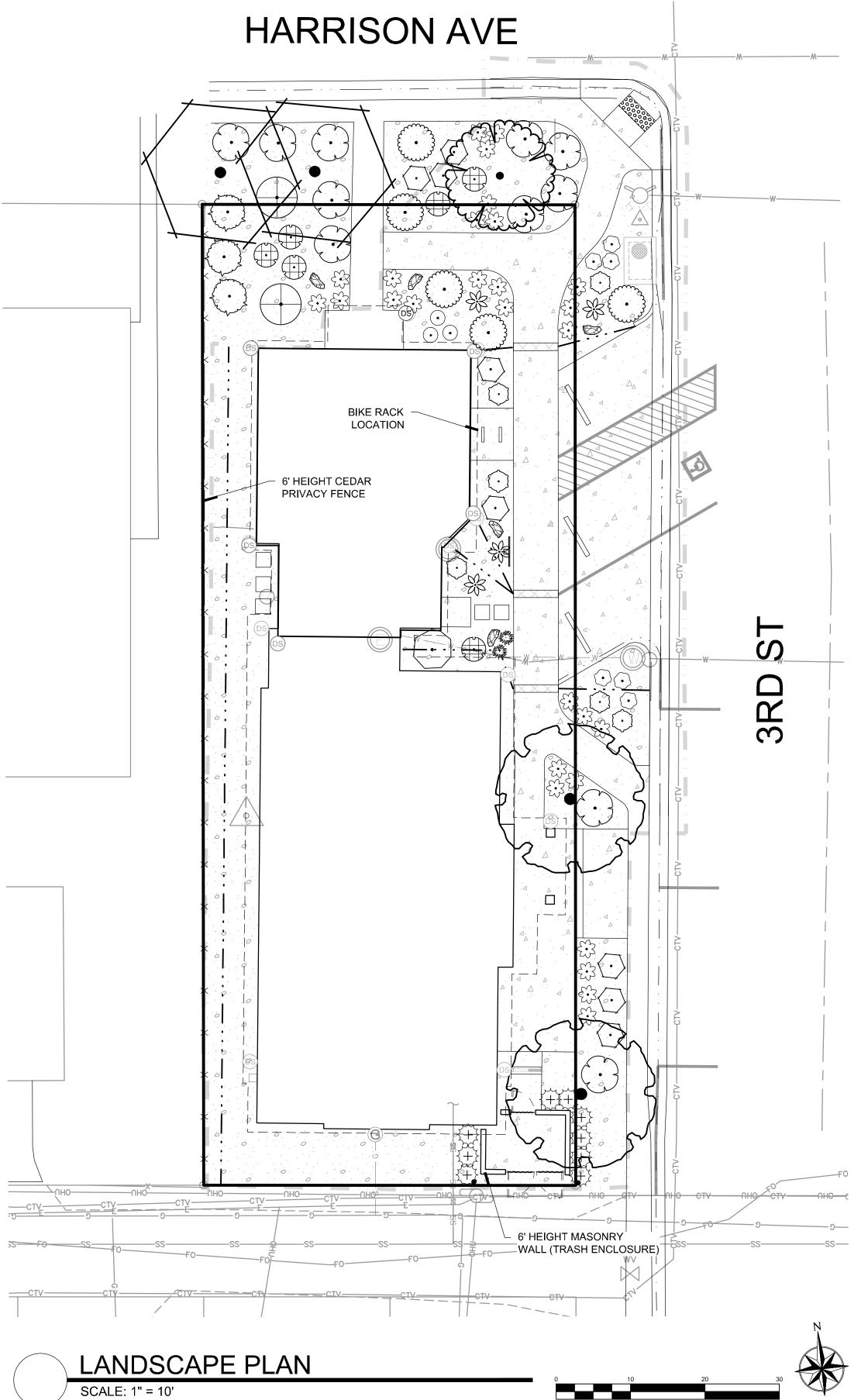
DATE: 12.29.20
SCALE: See Sheet
DRAWN: JRO

SHEET S1.0

SITE DEVELOPMENT PLAN

HARRISON HOUSE EXPANSION

LOT 1, BLOCK 6 WELLINGTON PLACE 1ST SUB 3749 HARRISON AVE, WELLINGTON, CO



1 EXIT SOLLEBSEE				
TREES	<u>QTY</u>	BOTANICAL / COMMON NAME	CONT	<u>CAL</u>
Market of the second	2	CATALPA SPECIOSA `HEARTLAND` / HEARTLAND NORTHERN CATALPA AKA `HIAWATHA 2`	B & B	2"CAL
	1	CELTIS OCCIDENTALIS 'PRAIRIE SENTINEL' / UPRIGHT HACKBERRY JFS-KSU1	В&В	2"CAL
$\langle \cdot \rangle$	2	TO REMAIN- PROTECT DURING CONSTRUCTION / EXISTING TREE TO REMAIN	EX	
SHRUBS	<u>QTY</u>	BOTANICAL / COMMON NAME	SIZE	
	6	AMORPHA CANESCENS / LEADPLANT	2 GAL	
\odot	5	ARCTOSTAPHYLOS X COLORADOENSIS 'PANCHITO' / PANCHITO MANZANITA	5 GAL	
\bigoplus	2	CHAMAEBATIARIA MILLEFOLIUM `FERNBUSH` / FERNBUSH	5 GAL 5 GAL 5 GAL	
\bigcirc	8	ERICAMERIA NAUSEOSA SPECIOSA / DWARF BLUE RABBITBRUSH		
	4	HESPERALOE PARVIFLORA / RED YUCCA		
\odot	6	PEROVSKIA ATRIPLICIFOLIA `LITTLE SPIRE` / DWARF RUSSIAN SAGE		
\odot	1	PHILADELPHUS LEWISII `CHEYENNE` / LEWIS MOCK ORANGE	5 GAL	
\odot	11	PRUNUS BESSEYI `PAWNEE BUTTES` / SAND CHERRY	5 GAL	
GRASSES	QTY	BOTANICAL / COMMON NAME	SIZE	
£\$3	28	BOUTELOUA GRACILIS `BLONDE AMBITION` / BLUE GRAMA	1 GAL	
Selving.	2	NASSELLA TENUISSIMA / TEXAS NEEDLE GRASS	1 GAL	
{+ }	9	PANICUM VIRGATUM `DALLAS BLUES` / DALLAS BLUES SWITCH GRASS	1 GAL	
\odot	3	SPOROBOLUS WRIGHTII / BIG SACATON	1 GAL	
PERENNIALS	QTY	BOTANICAL / COMMON NAME	SIZE	
•	3	AQUILEGIA CHRYSANTHA / GOLDEN COLUMBINE	1 GAL	
\odot	6	CALLIRHOE INVOLUCRATA / WINE CUPS		
MULCHES	QTY	BOTANICAL / COMMON NAME	CONT	
	3,256 SF	ROCK MULCH / RIVER ROCK MIXTURE ROCK MULCH MIXTURE OF 1" AND SQUEEGEE SIZED ROCK FOR INFILTRATION OF RAIN WATER	MULCH	

CODE ANALYSIS

LOT SIZE: 6,600 SF

% OPEN SPACE REQUIRED / 6

PLANT SCHEDULE

% OPEN SPACE REQUIRED / PROVIDED (20%): 1,320 / 2,089 (32%)

1 TREE PER 1000 SF LANDSCAPED AREA = 2 PROVIDED

1 SHRUB PER 150 SF AREA = 14 REQUIRED / 14 PROVIDED (+ADDTL FOR 75% COVERAGE)
PARKING SPACES PROVIDED = 5 + OFF-SITE SHARED PARKING

PLANNING COMMISSION APPROVAL

QTY FOR REFERENCE ONLY. VERIFY ALL COUNTS PER PLAN

THIS SITE PLAN IS APPROVED, SUBJECT TO ALL CONDITIONS SET FORTH HEREON, BY THE CURRENT PLANNING MANAGER OF THE TOWN OF WELLINGTON, LARIMER COUNTY, COLORADO, THIS ______ DAY

CURRENT PLANNING MANAGER

HARRISON HOUSE EXPANSION WELLINGTON, CO

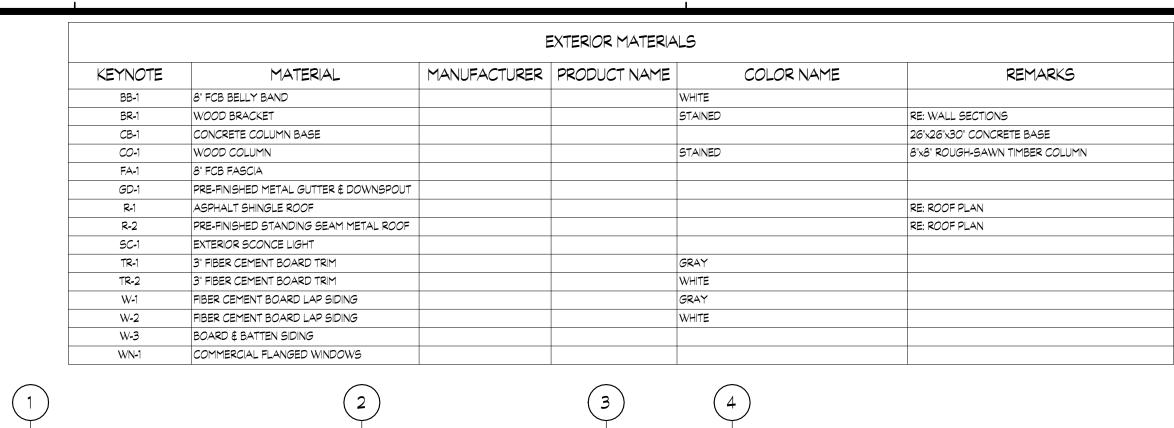
PROJ. NO.:

DATE: 12.29.20

DRAWN: JRO
CHKD BY: NAM

SHEET L1.0

SCALE: See Sheet





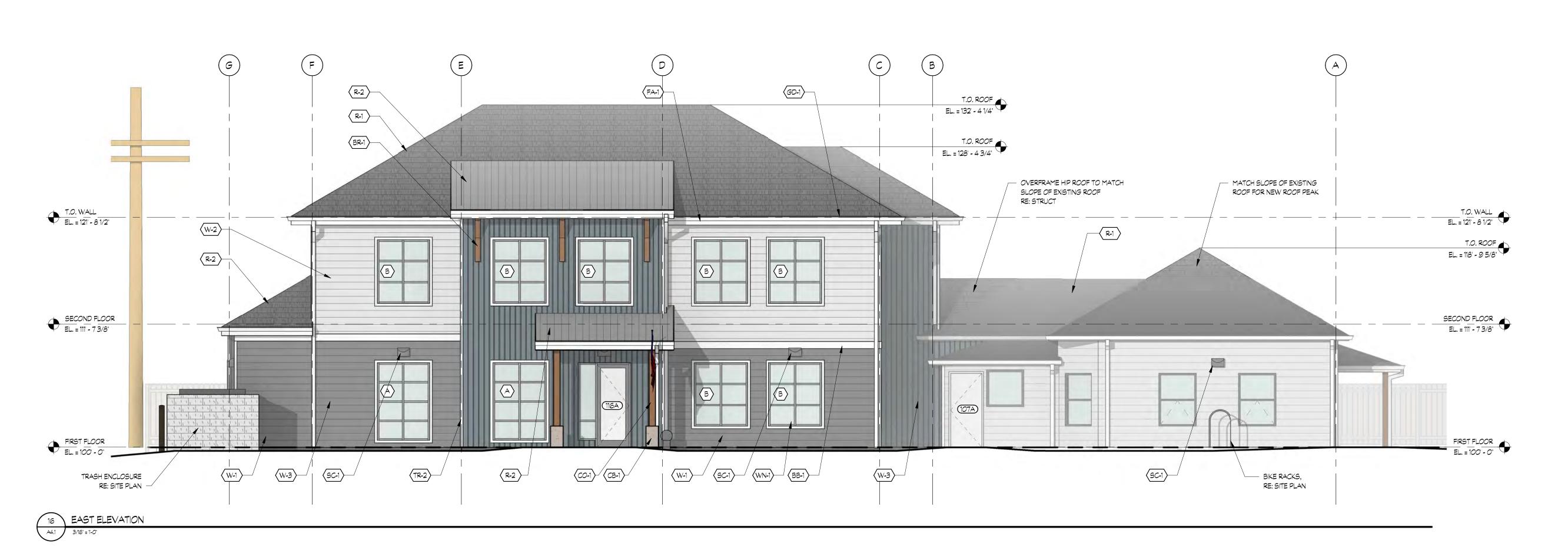




T.O. ROOF EL. = 132' - 4 1/4" (R-1) (GD-1) T.O. WALL EL. = 121' - 8 1/2" T.O. WALL

EL. = 121' - 8 1/2" (FA-1)-SECOND FLOOR EL. = 111' - 7 3/8" SECOND FLOOR EL. = 111' - 7 3/8" FIRST FLOOR EL. = 100' - 0" GAS METER — (W-3)__/ / <u>WN-1</u>}— TRASH ENCLOSURE — SPOT LIGHT -/ (TR-2)-(SC-1) 13 SOUTH ELEVATION

A4.1 3/16" = 1-0"



49 HARRISON AVE EXPANSION 3749 HARRISON AVE, WELLINGTON, CO 80549 **O**F TOWN

WELLINGTON

SITE REVIEW 12/16/2020 01/14/2021 04/06/2021 sued For Permit: ssued For Construction:
Revision Number Revision Date

> 20042 4/6/2021 2:31:59 PM

BUILDING ELEVATIONS

A4.1

