



BOARD OF ADJUSTMENTS

June 24, 2021

7:00pm

REGULAR MEETING

LEEPER CENTER – 3800 Wilson Ave.

-
- 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 April 22, 2021
 - 5.B. Meeting Minutes**
 - Regular meeting minutes of May 27, 2021
 - 6. NEW BUSINESS**
 - 6.A. Variance Request – Reduce minimum required setback between buildings from 10 ft. to 3 ft. and 8 ft. for a shed on Lot 8, Block 2, Sage Meadows Subdivision (3395 Meadow Gate Drive)**
 - Grant a variance to vary the minimum setback between structures in the R2 Single-family Residential Zone District on Lot 8, Block 2, Sage Meadows Subdivision to reduce the separation distance between structures to 3 feet and 8 feet in accordance with an approved site plan, subject to conditions.
 - 6.B. Variance Request – Reduce front yard setback from 50 ft. to 30 ft. on Lot 52, Wellington West Subdivision (3494 Whitetail Circle)**
 - Grant a variance to vary the minimum front yard setback requirement of the R-1 Rural Residential zoning district on Lot 52, Wellington West Subdivision to reduce the front yard setback to 30 ft., subject to conditions.
 - 7. ANNOUNCEMENTS**
 - 8. ADJOURNMENT**



**TOWN OF WELLINGTON
BOARD OF ADJUSTMENTS**

Agenda Item #5.A.

**REGULAR MEETING MINUTES
April 22, 2021**

1. CALL TO ORDER

The Board of Adjustments Meeting for the Town of Wellington, Colorado, met on April 22, 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 Carman

Members Absent: John Jerome
Wyatt Knutson

Town Staff Present: Cody Bird, Planning Director
Liz Young Winne, Planner II
Dan Sapienza, Town Attorney
Patti Garcia, Town Administrator

3. ADDITIONS TO OR DELETIONS FROM THE AGENDA

4. PUBLIC FORUM

Carlene Luoma 3812 Lincoln Avenue: longtime resident (39 years), lives a few blocks from Cleveland Ave. Is concerned about the Comprehensive Plan and the “Downtown Neighborhoods” designation that would reduce historic neighborhoods and overly support high occupancy homes. She would prefer to see gathering places and options similar to what is being seen in Timnath to restore historic places and managing growth.

Chairman Irwin encouraged people to attend the Board of Trustees meetings and Planning Commission meetings to learn more and hear discussions on the Comprehensive Plan.

5. CONSIDERATION OF MINUTES

A. Meeting minutes of February 25, 2021

Moved by Chairman Irwin, seconded by Member Gaiter to approve the minutes as presented. Motion passed 5-0.

6. NEW BUSINESS

- A. Variance Request – Reduce Front Yard Setback for a Town Office Building to 2ft. on Lot 1, Block 6, Wellington (3749 Harrison Ave.)

Bird: Reminded the Board of the public hearing procedures for a quasi-judicial hearing.

Bird: Asked if any Board members had a conflict of interest to disclose? There were no conflicts disclosed.

Bird: Asked if there were any ex-parte communications to disclose?

Irwin: Replied that the Town Attorney had sent a memo outlining some basic definitions.

Gaiter: Stated she did not receive the memo.

Sapienza: Commented that the memo went out this afternoon and he may need to confirm the email address for Member Gaiter. He summarized the content of the memo, that it provided information for procedures and board role in decision making. It also describes the Board's standard for decision making.

Bird: Presented the staff report. He identified that the Town had obtained Conditional Use approval to use the site for a Town office use. The Town is now considering expanding the office space by constructing an addition to the rear of the existing building. The variance request is being made to reduce the setback along 3rd Street from a 15 ft. setback to a 2 ft. setback to accommodate a covered entryway. The remainder of the building is proposed to be setback 10 ft. as proposed on site plan.

Houghteling: Described the need for a new office building for Town staff to better focus on customer service. She described the variance request for a setback and explained that a variance for parking is not needed at this time because the off-street parking is satisfied within 700 ft. of the site in accordance with the zoning code.

Irwin: Asked why the property owned by the Town on 6th Street was not included within the options described?

Houghteling: The Town is doing a site selection process on 8 properties, including the property mentioned by Chairman Irwin, to determine what is viable for a future Town Hall site. The Town is currently not financially prepared to build a Town Hall.

Irwin: If the Town already has a property, then that expense is removed. The money that will be spent on an addition, if approved, could be used toward a new Town Hall. We need water and wastewater operations even more than we need space for employees. This is a big concern as this may be additional costs in the long run for residents of Wellington.

Carman: It appears that the building feature creating the need for the variance is the awning structure? Is it the awning structure or the actual building requiring a variance?

Bird: The request is needed for the structure – the setback requirement is 15 ft. and the structure wall is proposed at 10 ft. The awning is proposed at a 2 ft. setback. Without the covered entryway, the building project would still need to request a variance.

Carman: Asked if the awning was necessary from an architectural perspective?

Arthur: No, it is not necessary. The awning provides purposes like protection for entering the building, a waiting space if being picked up by someone. It also helps to provide a clear entryway that is visible, and creates a more welcoming approach to the building. If we needed to amend it, we could do a different feature that would create a similar feel.

Carman: Is the setback from the end of that part of the structure in the street or sidewalk?

Bird: Responded that the setback is from the property line. The sidewalk and street are not impacted by the proposed building.

Wydallis: Asked if the 2 ft variance is approved, can the whole building be moved 2 more feet toward the street too?

Houghtelling: Replied that the site plan would not be changed that significantly at this point in the design process.

Wydallis: The planning commission has not yet reviewed this, correct?

Bird: Replied that is correct. The same site plan will also be presented to the Planning Commission for a site plan review request. The site plan review is required before any building can begin. The Planning Commission will be hearing this request at their regular May 3rd meeting. In the staff report, we recommend if the variance is approved, then the site plan still also needs to be approved.

Gaiter: Asked if the 2 ft. setback is granted, could the whole building be moved up to the 2 ft?

Bird: In theory, it could be interpreted that way so that the whole building could be set at 2 ft. It would still need to be consistent with the Planning Commission approval that will be reviewed at the upcoming meeting.

Gaiter: Asked if the fence was at the property line now?

Bird: Replied that a survey of the property was being conducted to determine property lines. If the fence line was not exactly on property line, it is likely close to that.

Gaiter: Asked if the trash enclosure is less than the 2 ft. setback.

Bird: Replied yes. The trash enclosure is not considered part of the building and trash enclosures are often located within setbacks for a commercial site.

Gaiter: Asked if there is a reason for why the setback is different on the east side as opposed to the west side of the building.

Bird: Replied yes, the setback on the Third Street side is different because this is a corner lot. The street side yard of a corner lot is a greater setback than the adjacent lot side.

Gaiter: Is there a reason to not request a variance for the parking since the spaces encroach into the right of way?

Bird: Replied that the zoning code states that if parking is provided within 700 ft. of a proposed facility, it can be determined to meet the off-street parking requirement. The proposed site is also showing parking along Third Street to provide ADA parking.

Gaiter: Asked if the sidewalk has to be within 5 ft. of the curb (reference to specific code section in Chapter 11).

Bird: Replied that the Town's construction standards require an attached sidewalk which is our typical standard. Staff can look into the referenced code section and will take appropriate follow-up with the applicant.

Wydallis: Asked if the entrance or building be in the way of fixing utilities undergrounded.

Bird: Replied that utilities are not near the entrance on this site. The proposed variance is not affecting any utilities.

Irwin: Commented that the zoning for this property is "Transitional," which has no specifications for setbacks. Which zone district setbacks are being considered for the application?

Bird: Replied that staff looked at existing uses and considered the existing use for the setbacks. The property was a home, so the setbacks for a home were considered for this request.

Wydallis: Aske if the Transitional zoning could go from commercial to residential?

Bird: Replied the transitional zone district was a mechanism to transition lowest intensity to something higher like commercial, light industrial or industrial as part of a conditional use process.

Wydallis: Asked if the property could be sold to a big family in the future, or does it continue to remain commercial forever?

Bird: Replied that due to the commercial/office layout it would be unlikely to be conducive to a family environment. That is a limiting factor from a practical standpoint. The conditional use for the town office use so the business office use is the allowable use for the site unless a conditional use or zone change was further approved in the future.

Irwin: Opened the public hearing.

Peter Pronko: Owns the commercial property at 3744 Cleveland. Asked about the future of this building. Will it continue to be Town offices in the future or will it be sold?

Bird: Read an email communication from a resident into the record. The email was received today at 4:51 PM from Cilla Bond.

Irwin: Closed the public hearing.

Gaiter: Asked if it is possible to change what we say “yes” to so it is more specific, and the building cannot be built to a 2 ft. setback since that is theoretically possible?

Bird: Responded that it is possible for the Board to make those kinds of proposals when there is a variance request. It is typical to ask the applicant if such an approval would still meets their needs. In the staff report, the proposed motion contemplates that by approving “in accordance with an approved site plan” is intended to mean that what is shown tonight is how it would be constructed. The approval could be subject to the site plan dimensions presented to this Board. Bird asked if that approach reasonably satisfied the Board’s concern.

Gaiter: Replied yes.

Bird: Asked if the requirement to adhere to the site dimensions shown would satisfy the applicant?

Houghteling: Replied yes.

Carman: The differentiation is also noted in the staff report. The motion doesn’t specify well enough that the variance is requesting that the entryway’s awning is the reason to request the 2 ft. setback and that the building wall is at 10 ft. setback. So can we create a motion to capture that?

Irwin: Said the variance should only be regarding the porch facing Third Street and not any part of the rest of the building. Does the 10 ft. setback also need a variance?

Bird: Replied that the reason an applicant pursues an application to the Board of Adjustment first is because the Planning Commission is looking at a different set of criteria. The applicant typically requests the variance first to see if the Board of Adjustments will approve a variance before going to the site plan approval with the Planning Commission. There would not be an approval for two separate variances for a setback request on the same building, the request is made for the farthest amount of adjustment needed to satisfy the request. It would be possible to change the motion to be more specific and representative of the discussion presented tonight.

Member Gaiter moved to approve a variance to vary the minimum side setback from 15 ft to what is shown in the site plan and 2 ft. for the porch only, in accordance with the approved site plan, seconded by member Carman. Motion passed 4-1.

7. ADJOURNMENT

Moved by Chairman Irwin, seconded by Member Gaiter to adjourn the meeting. With all in favor, the meeting was adjourned at 8:37 pm.

Approved this ____ day of _____, 2021

Recording Secretary



**TOWN OF WELLINGTON
BOARD OF ADJUSTMENTS**

Agenda Item #5.B.

**REGULAR MEETING MINUTES
May 27, 2021**

1. CALL TO ORDER

The Board of Adjustments Meeting for the Town of Wellington, Colorado, met on May 27, 2021, in an online web conference at 7:00 p.m.

2. ROLL CALL

Members Present: Christine Gaiter, Vice-Chair
Kathy Wydallis
Eric Stahl

Members Absent: Stephen Carman
John Jerome
Wyatt Knutson

Town Staff Present: Cody Bird, Planning Director
Liz Young Winne, Planner II
Patty Lundy, Development Coordinator

Member Stahl moved to table this agenda until the next meeting due to insufficient attendance to establish a quorum, seconded by Member Wydallis. Motion passed 3-0

3. ADDITIONS TO OR DELETIONS FROM THE AGENDA

4. PUBLIC FORUM

5. CONSIDERATION OF MINUTES

A. Meeting minutes of April 22, 2021

6. NEW BUSINESS

A. Variance Request – Reduce minimum required setback between buildings from 10 ft. to 3 ft. and 8ft. for a shed on Lot 8, Block 2, Sage Meadows Subdivision (3395 Meadow Gate Drive)

7. ANNOUNCEMENTS

The variance request advertised for this meeting is tabled to June 24, 2021 at 7:00pm at the Leeper Center, 3800 Wilson Ave. Tabling the public hearing and announcing the new date, time and location of the public hearing satisfies the requirement for advertising the public hearing. The meeting will be held in-person.

8. ADJOURNMENT

Moved by Member Wydallis, seconded by Member Gaiter to adjourn the meeting. With all in favor, the meeting was adjourned at 7:15 pm.

Approved this ____ day of _____, 2021

Recording Secretary

Board of Adjustments Meeting

Agenda Item #6.A.

Meeting Date: May 27, 2021

Submitted By: Liz Young Winne, Planner II

Agenda Category: New Business

Subject:

Variance Request – Reduce minimum required setback between buildings from 10 ft. To 3 ft. for a shed on Lot 8, Block 2, Sage Meadows Subdivision

Background:

- Ernest Hahn and Donna Macal are requesting a variance to reduce the minimum setback between buildings at Lot 8, Block 2, Sage Meadows Subdivision (3395 Meadow Gate Dr.).
- Section 16-6-10 of the Municipal Code states that a 10-foot separation between buildings is required in the R-2 Single-family Residential zone district.
- A detached shed was installed on the property 7-10 months ago after the applicants received approval from their HOA. The applicant was unaware that a Town permit is required.
- The applicant is requesting relief from Section 16-6-10 of the Municipal Code because the shed was installed adjacent to the home at a location that is separated approximately 3 feet and 8 feet away from the home. The applicant is seeking relief stating that a more suitable location would constitute a hardship.
- 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 Sage Meadows Subdivision.*
 - *All lots within the subdivision meet or exceed the Town's minimum lot size and dimensional requirements for the R-2 Single-family Residential zone district.*
 - *Lots in this subdivision typically have a 14 ft. easement along the front property line, and a 6 ft. utility easement on the rear property line.*
 - *The subject property has existing grade changes and elevations to provide proper drainage. The spot elevation plan notes the top of foundation wall elevation is 69.8 and the grading slopes to about 64.0 in the backyard and 66.5 on the side yard closest to the shed. This equates to a 2.5% grade to the west (side of property) and a 6.1% grade to the south (rear of property).*

- *The site's conditions create constraints to the buildable area of the site; however, staff does not determine the circumstances to be 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 a detached shed to be placed closer than 10 feet to the home in the R2 zone district.*
 - *Strict interpretation of the code does not prevent use of the property for permitted uses within the district.*
 - *Strict interpretation of code to remedy the violation would result in expenses for the applicants who would need to relocate the shed, reset and relevel concrete, and regrade the ground for water runoff in the backyard.*
 - *Additionally, the applicant states that per HOA rules, they cannot store any items outside, that this location was specifically chosen for safety and security, and that the concrete was specifically leveled and placed to assist with proper drainage.*
 - *Strict interpretation of the code would result in the applicant being required to move and/or replace the shed in a different location to meet the 10-foot separation between buildings and would need to modify the concrete pad to ensure proper drainage. The expense of redesign, relocation and grading/concrete modifications may be considered a hardship.*
- 3. The exceptional circumstance or hardship does not result solely from an action or actions of the applicant.
 - *The applicants have provided a letter from the HOA from February 2020 when the shed was approved by the HOA. The HOA representative did not indicate to the owners that they must receive a permit from the Town.*
 - *Additionally, the applicant stated the contractors who poured the concrete and placed the shed did not indicate to the applicants that a Town permit must be received.*
 - *The applicant has stated they did not deliberately intend to violate the setbacks.*
 - *Staff has recommended and discussed alternative placements that meet the required setbacks with the applicant. The applicant has expressed that these options would require additional effort, time, money, would reduce the perceived safety related to the current shed placement, and therefore, does not meet the applicant's needs.*
 - *The applicant was relying on guidance from others that may not have provided adequate information relating to placement of sheds, and therefore, it may be determined that the circumstances and hardship were not solely the result of actions by the applicant.*
- 4. The variance, if granted, will not violate the spirit and intent of the code.
 - *One of the reasons for a 10-foot setback between an accessory building and a home is for fire prevention and protection of personal property.*
 - *An additional reason is to prevent the spread of fire to a neighbor's home with easy transmission from small distances between buildings.*
 - *The shed's placement is sufficiently setback from the neighbor's home and structures and would therefore only be most likely to affect the applicant if a fire were to start.*

- o *There is 8 feet of separation between the garage door and the shed, egress from the garage would not be impacted.*
 - o *Staff does find that the variance, if granted, 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.
- o *Granting the requested variance may affect the public health, safety, and welfare of the homeowners in the event of a fire.*
 - o *Granting the variance request is unlikely to affect the public health, safety, and welfare of the neighbors in the event of a fire.*
 - o *The potential impacts of the reduced setback only affect the property owner, granting of the variance will allow the shed to remain and substantial justice will be done.*

Based upon the preceding findings, staff recommends approval of the variance, with the following conditions:

1. Placement and maintenance of the detached shed shall be in accordance with an approved site plan;
2. Setbacks between structures shall not be reduced to less than the setbacks identified on the approved site plan;
3. The side yard setback shall not be reduced to less than the 7 feet required for the zoning district;
4. Obtain a valid zoning permit for placement of the detached shed with dimensions and setback distances as approved on the site plan.

Recommendation:

- Grant a variance to vary the minimum setback between structures in the R2 Single-family Residential Zone District on Lot 8, Block 2, Sage Meadows Subdivision to reduce the separation distance between structures to 3 feet and 8 feet in accordance with an approved site plan, subject to conditions.

Attachments

- Location Map
- Applicant Narrative
- Site Dimension Exhibit 1
- Site Dimension Exhibit 2
- Drainage Exhibit
- Site Photos

LOCATION MAP
3395 Meadow Gate Drive



Applicant Narrative

The applicant must submit a statement in writing that addresses or supports the below considerations:

- a) There exist exceptional or extraordinary physical circumstances of the subject property that are not generally applicable to the other properties in Town:

We installed concrete to create a semi level base for the shed due to a 2 ½% grade towards the west and a 6.1% grade to the south. Placement anywhere else would impede water runoff. Concrete has a quarter bubble slant towards the west for water runoff which we demonstrated on the attached pictures.

- b) A literal interpretation of the provision 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):

Location was chosen for security reasons and to not impede the water runoff. We've already invested considerable time, labor and cost in the shed and concrete. This location was deemed to be the most secure on our property due to recent vandalism in our Sage Meadows Subdivision and surrounding areas in the Town of Wellington. To move or destroy the shed would cause considerable cost to relocate and hardship if we had to destroy it by not having the room or ability to store items as we are not permitted to store anything outside per our HOA rules. In our opinion there is no other suitable location on our lot that would not impede water drainage and runoff.

- c) The exceptional circumstance or hardship does not result solely from an action or actions of the applicant:

The shed was placed closer to the house for security reason with the door not being visible from GW Bush or the sidewalk along GW Bush to try and discourage vandalism or theft. Being on the west side of the house it is next to the master bedroom so we could increase our chances of hearing if someone is trying to break into it. Location was also chosen due to the 2 1/2% grade to the west and 6.1% grade to the south. Any other location will impede the water drainage and runoff of the lot.

- d) The variance, if granted, will not violate the spirit and intent of the code:

The shed is 8'5" from the back of the garage, 3'9" from the west side of the house, 12'10" from the west fence which is the closest neighbor, and 42' from the back or south fence. Since it is 12'10" from the fence, it is greater than 12' from the closest neighbor's house. The water spigot on the outside of the house is within 8' of the shed and easily accessible should there be something that would accidentally catch on fire.

- e) The variance, if granted, does not adversely affect the public health, safety, and welfare, and in fairness to the applicant, substantial justice is done:

The location of the shed does not affect public health, safety or welfare. It does not adversely affect the neighbor to the west of us. It is not an eyesore to the community as it is tucked in on 2 side by the house and blends in very well being painted the same color as the house which is a requirement of our HOA. A great deal of thought was put into the decision of what would be the best location of the shed. With our backyard being visible from GW Bush, thought was also put into the cosmetic appearance and to not impede with drainage or water runoff. Placing of the shed in it's current location is the best location and to move it now would destroy the landscaping that was done after the placement. We would need to rent a crane to move it to another location on the lot which would change the grade of the lot or to move it entirely off our lot and resell. The cost of doing so is prohibitive to our means. Locating the shed and completing the landscaping of our backyard was very costly and we do not have the funds available to redo it.

Application is hereby made for a variance to the Town of Wellington Land Use Code to permit:

We are requesting a variance on the location of our shed. It is currently 8'5" from the back of the garage, 3'9" from the west side of the house, 12'10" from the west fence and 42' from the south fence. It was placed there so as not to impede the drainage on our lot which has a 2 1/2% grade toward the west and a 6.1% grade to the south. It is on a concrete slab that was poured specifically to maintain the proper runoff. It does not cause any public health or safety issues and does not adversely affect the closest neighbor to the west. The grade on our lot is such that there is no other location for it without impeding the water runoff. If we change the grade of the lot, the water runoff could affect the neighbor's lot or the runoff towards the ditch along GW Bush that transfers and disperses the runoff. With this location and the shed being in place for 9-10 months, there has not been any drainage issues on the lot nor any issues in our basement. The shed is painted the same color as the house to be cosmetically appealing. To move the shed would cause considerable expense as we would need to rent a crane as all the landscaping in the back yard has been done. We do not have the funds available to move the shed nor to redo the landscaping. The location of the shed is close to the house for security reasons which is especially important with the vandalism that has happened in Sage Meadows Subdivision and surrounding areas in the Town of Wellington.

Thank you for your time in reviewing our variance application. Please let us know if there is any further information that would help you in making your decision.

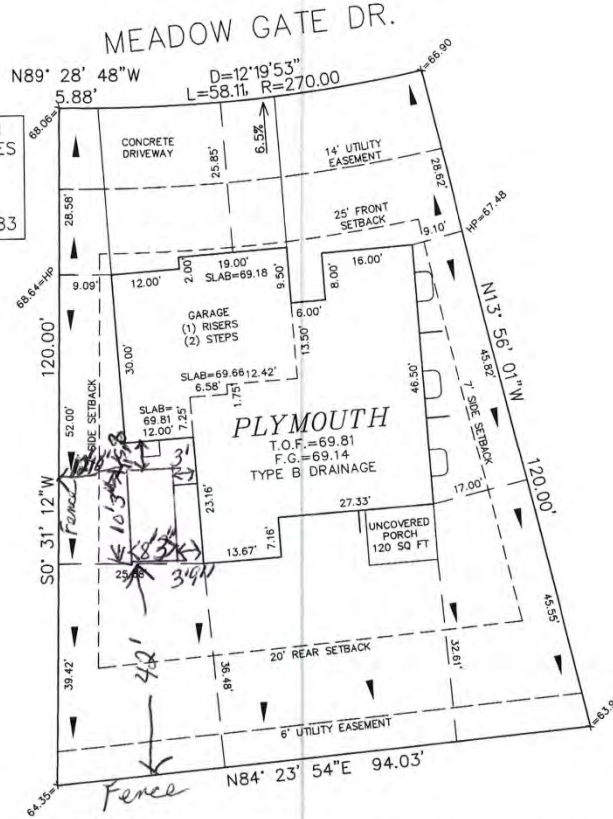
PLOT PLAN

LOT 8, BLOCK 2, SAGE MEADOWS
3395 MEADOW GATE DRIVE, WELLINGTON, COLORADO

X=00.00 - PROPOSED SPOT GRADING
HP=00.00 - PROPOSED HIGH POINT FOR DRAINAGE
T.O.F - TOP OF FOUNDATION
F.G.- MINIMUM DIRT FINISH GRADE NEXT TO FOUNDATION
SLAB=00.00 - TOP OF CONCRETE SLAB

LOT 8
9,316 SQ. FT.

OWNER INFORMATION
CB SIGNATURE HOMES
CORIE BAESSLER
35333 CR 37
EATON, CO 80615
CELL: 970-397-8283



NOTES:

1. THIS PLOT PLAN IS BASED ON INFORMATION PROVIDED BY THE OWNER/CONTRACTOR. THE OWNER/CONTRACTOR SHALL VERIFY ALL LOT DIMENSIONS, SETBACK INFORMATION, EASEMENT WIDTHS, GRADING ELEVATIONS AND THE PROXIMITY TO EXISTING STRUCTURES WITH THE GOVERNING AUTHORITY AND OR COVENANTS.
2. DIMENSIONS SHOWN AROUND THE PERIMETER OF THE STRUCTURE ARE TO EXTERIOR FOUNDATION CORNERS.
3. THE CONTRACTOR SHALL VERIFY ELEVATIONS AND DIMENSIONS PRIOR TO CONSTRUCTION. ANY VARIATION TO THIS PLAN SHALL BE REPORTED TO SNYDER LAND SURVEYING INC. IMMEDIATELY.
4. PROVIDE AND MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL FOUNDATION WALLS. A MINIMUM SLOPE OF 10% IS REQUIRED FOR THE FIRST 10 FEET AND THEN A MINIMUM SLOPE OF 2% IS REQUIRED THEREAFTER.
5. THE MAXIMUM DRIVEWAY WIDTH SHALL BE 30' WITHIN THE RIGHT OF WAY.
6. ANY QUESTIONS OR CONCERNS CONCERNING THIS PLOT PLAN PLEASE CONTACT SNYDER LAND SURVEYING INC. IMMEDIATELY.



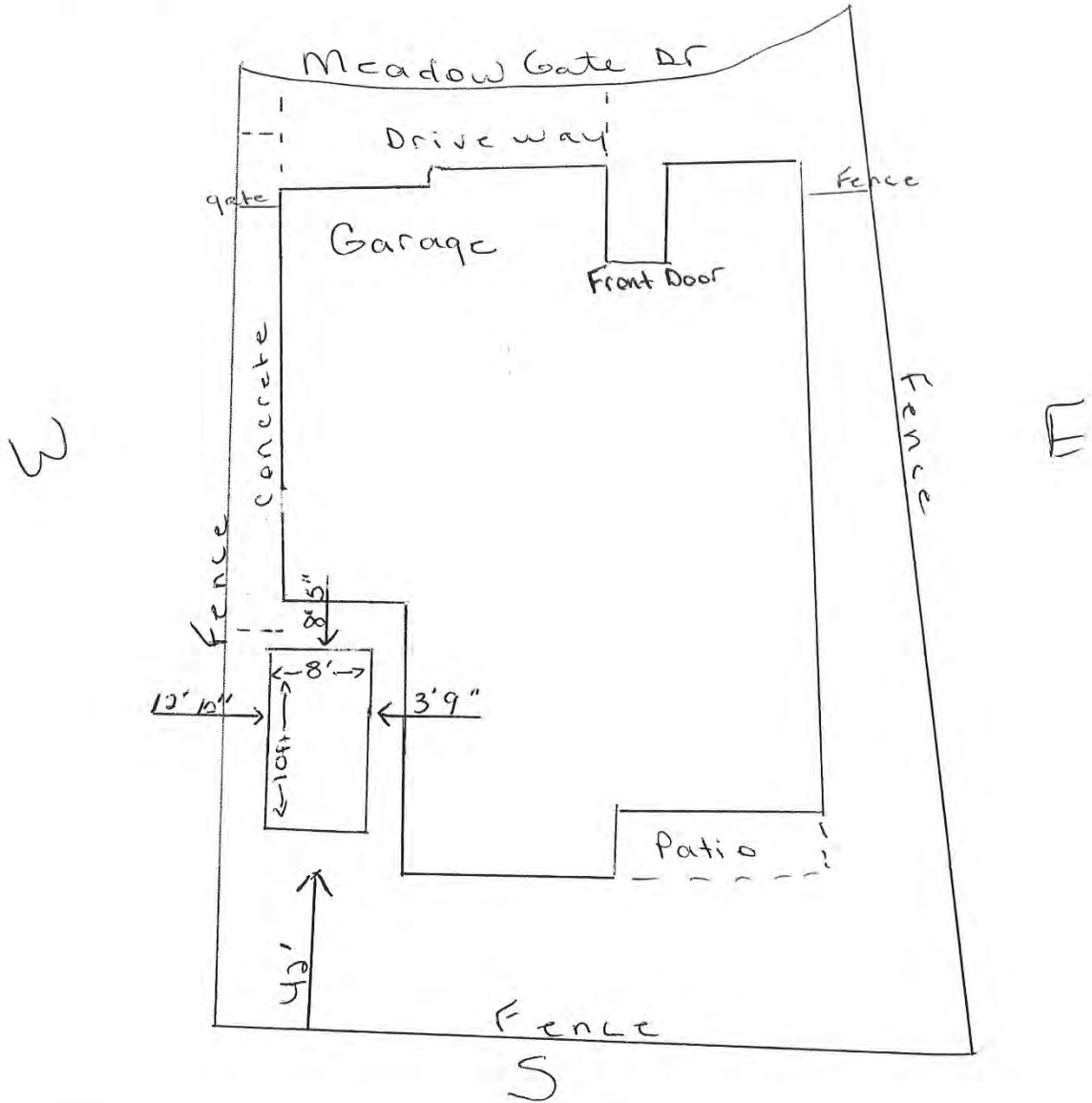
Snyder Land Surveying Inc.
Professional Land Surveyor
Erik Jay Snyder, PLS 38555
O: 970-686-5157
C: 724-992-5754
E: snyder.landsurveying@outlook.com
W: SnyderLandSurveying.com

CLIENT:	CB SIGNATURE HOMES	
TITLE:	PLOT PLAN	
DATE:	6/26/2019	SCALE: 1"=20'
JOB NO:	CBSH-19-04-024	

N

3395 Meadow Gate Dr

* Not drawn
to scale



G. W. Bush

SPOT ELEVATION EXHIBIT

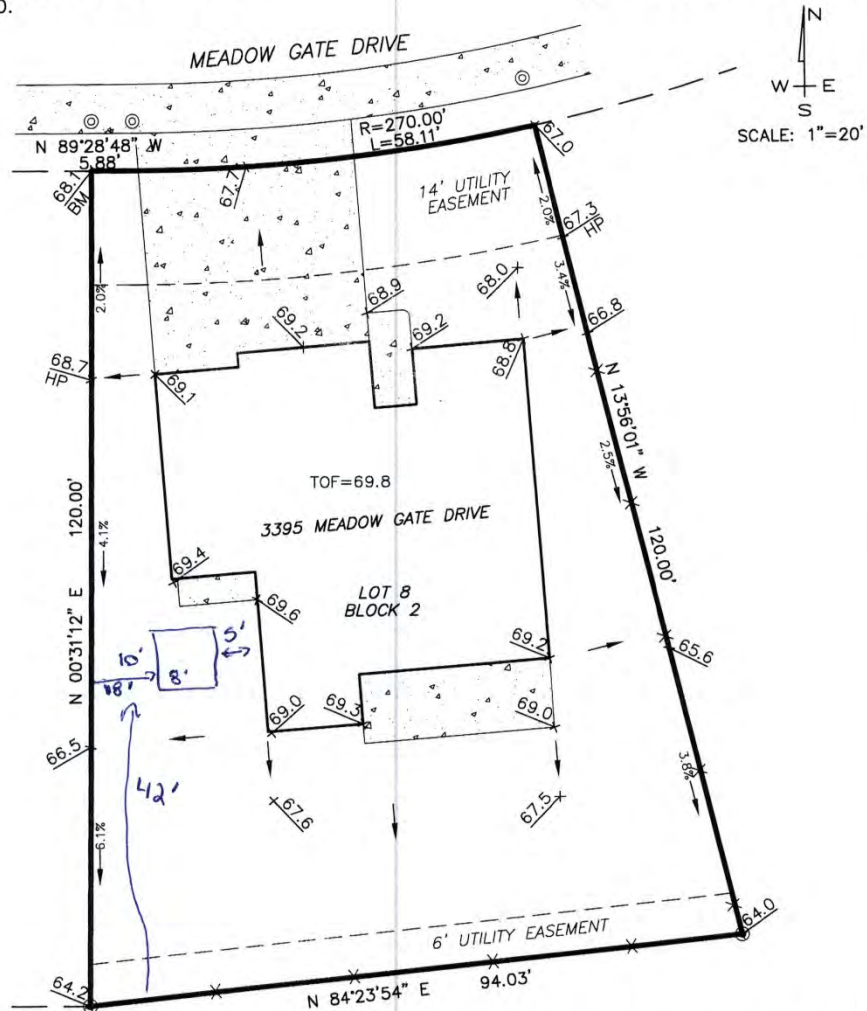
PROPERTY DESCRIPTION:

LOT 8, BLOCK 2, SAGE MEADOWS SUBDIVISION,
TOWN OF WELLINGTON, COUNTY OF LARIMER,
STATE OF COLORADO.

SOURCE:

PROVIDED BY CLIENT

TOF=TOP OF FOUNDATION WALL
X14.0 = MEASURED SPOT ELEVATION



RESIDENTIAL GRADING CERTIFICATE BY OTHERS

SPOT ELEVATIONS MEASURED BY:
EDMONDS LAND SURVEYING, INC.

P.O. BOX 641
KERSEY, CO 80644
PHONE: (970) 686-6970

NOTES:

1.) SPOT ELEVATIONS WERE MEASURED ON AUGUST 27, 2019. BENCHMARK FOR ELEVATIONS SHOWN IS THE NORTHWEST CORNER OF LOT 8, BLOCK 2, WITH AN ELEVATION OF 68.1 FEET, AS SHOWN HEREON AND TO REFERENCE THE CITY APPROVED PLOT PLAN.

2.) THE LOT DIMENSIONS AND EASEMENTS SHOWN HEREON ARE TAKEN FROM THE PLAT OF SAGE MEADOWS.

3.) SPOT ELEVATIONS MAY CHANGE AFTER THIS DATE DUE TO HUMAN AND/OR NATURAL CAUSES (LANDSCAPING, RUNOFF, SETTLEMENT, ETC)

PROPERTY ADDRESS	
3395 MEADOW GATE DRIVE WELLINGTON, CO	
SCALE: 1"=20'	FORMAT: 8.5"x11"
DATE: 08/29/19	FIELD BK: P
DWG BY: dw	PROJ. NO: 19-0367

View from sidewalk behind home



View from street in front of house



Shed and location



3' distance between shed and home



Corner of shed and yard, to demonstrate 6.1% grade



Board of Adjustments Meeting

Agenda Item #6.B.

Meeting Date: June 24, 2021

Submitted By: Liz Young Winne, Planner

Agenda Category: New Business

Subject:

Variance Request – Reduce front yard setback from 50 ft. to 30 ft. on Lot 52, Wellington West Subdivision.

Background:

- Applicants, Gary and Polly Reardon, have submitted a request seeking relief from section 16-6-10 of the Wellington Municipal Code to allow a reduction of the front yard setback on Lot 52, Wellington West Subdivision (3494 Whitetail Circle).
- Section 16-6-10 of the Wellington Municipal Code establishes a required 50 ft. front yard setback on properties zoned R1 Rural Residential.
- The applicant has requested a variance to reduce the front yard setback (south property line) to 30 ft. for placement of an addition for a garage (approximately 32'x31').
- 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.
 - *Wellington West Subdivision was platted in 1994 as a large-lot, suburban subdivision. Lots range from approximately 0.4 acre to 2.9 acres in size.*
 - *All properties within Wellington West Subdivision were designed to be served by private septic systems. The larger lot sizes allow the placement of private septic systems and laterals/leach fields.*
 - *The applicant's property is 0.5 acre in size. There is a 25 ft. drainage and utility easement across the front of the property.*
 - *The applicant's septic tank is 5 feet north from the proposed garage.*
 - *The applicant's HOA has informed the applicant that a detached building is not possible to meet the covenants and has required the applicant can only build an addition to the garage.*
 - *A detached building would also be difficult to build and meet the setbacks as the septic system leach field is large and Larimer County Department of Health and Environment recommends a 10' setback from a leach field to a building with a foundation (no basement or crawl space).*
 - *Staff concurs that the above factors constrain the buildable area of the site; however, staff does not determine that this circumstance is 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 buildings within the R1 Rural Residential zoning district to be located within 50 ft. of the front property line.*
 - *Strict application of the 50 ft. front yard setback does not prevent use of the property for permitted uses within the district.*
 - *Strict application of the front yard setback does not prevent the construction of an accessory building or detached garage on the property; but the HOA restrictions and septic system leach field do not allow for construction of a detached garage on the property.*
 - *Strict application of the code does result in a garage addition that is unusable and undesirable to the applicant to maintain the space separation required for the septic tank setback.*
 - *Strict application of the code would result in the applicant having to reduce the size of the attached garage that is desired to the point that it was unusable for the applicant and may be considered a hardship.*
3. The exceptional circumstance or hardship does not result solely from an action or actions of the applicant.
 - *The constraints on the buildable area of the property are not conditions created by an action or actions of the applicant.*
 - *The applicant inquired staff about the setback requirements and building requirements before applying for a building permit and has not begun any construction.*
 - *The applicant has demonstrated good faith in pursuing a variance to achieve the desired building placement and size, and therefore, it can be determined that the circumstance was not the result of an action by the applicant.*
 - *Staff has recommended and discussed alternatives such as having a detached garage at a different location. The applicant has expressed that the detached garage is not a possibility per the HOA's restrictions and the location of the septic system leach field.*
 - *Staff has recommended and discussed alternatives such as reducing the size of the garage addition. The applicant has expressed that reducing the size of the attached garage does not meet the applicant's needs.*
 - *The existing home on site as originally constructed is setback only 42' from the front property line, already reducing the front property line. This existing reduction was not the result of actions by the applicant.*
 - *Staff has recommended and discussed alternatives such as moving the location of the addition. This is not an option as a result of the septic tank placement to the west of the home.*
4. The variance, if granted, will not violate the spirit and intent of the code.
 - *The provisions of Section 16-6-10 establishing minimum setbacks is intended to provide adequate open space and separation between neighbors and between buildings. The increased setbacks required in the*

R1 Rural Residential district is intended to provide for large-lot, single-family development in areas that are more characteristically rural (low-density residential for no more than 2 single-family dwellings per acre and 1 or more accessory buildings).

- *The property currently has 1 single-family dwelling on 0.5 acres. There are no accessory buildings on the property. The home was built 42' from the front property line.*
- *The proposed garage addition does not eliminate open space between neighboring properties and meets the side yard setbacks required for fire separation.*
- *For these reasons, staff suggests that the requested variance to reduce the front yard setback to 30' 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.*
 - *In fairness to the applicant, the requested variance is generally consistent with the large-lot, rural character of the R1 Rural Residential zoning district.*
- Based upon the preceding findings, staff recommends approval of the variance, subject to the following conditions:
 1. The front yard setback (south property line only) is not reduced to less than 30 ft.;
 2. Obtain a valid Town of Wellington building permit;
 3. Ensure the garage addition does not negatively impact the drainage easement; and
 4. Compliance with all other applicable zoning and building codes.

Recommendation:

- Grant a variance to vary the minimum front yard setback requirement of the R-1 Rural Residential zoning district on Lot 52, Wellington West Subdivision to reduce the front yard setback to 30 ft., subject to conditions.

Attachments

- Location Map
- Applicant Request Letter
- Site Photos
- Site Plan showing 30 ft. setback
- Larimer County Health Dept. Correspondence

LOCATION MAP

3494 Whitetail Circle



TOWN OF WELLINGTON – VARIANCE REQUEST NARRATIVE
(Application Item #4)

We would like to add on to our existing garage space with the addition of another single vehicle stall and additional workshop space.

We are requesting a variance due to the changes to the new building code setbacks which vary from those set at the time of the original construction.

The current code requires a 50 ft. setback from the front (south) property line. Additionally, we are required to stay 5 ft. off the edge of the septic tank located to the northwest of the back of our current garage. Our current front of garage sits at 42 ft. from the property line. We would like to request a 12 ft. variance to the south off of the existing front of the garage to allow us to turn garage 90 degrees, to create an east garage stall entrance.

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

The physical size of our lot (.5 acres) only allows for an attached garage rather than a detached garage per the Wellington West HOA. Additionally, the location of the septic tank creates another constraint to the size and placement of the proposed addition.

b. A 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).

The constraints faced by the current code are:

1. If we were to have to conform to the written 50 ft. front of property setback code and stay 5 ft. off the edge of the septic tank to the north the garage depth would only be 9 ft., not a sufficient depth to park a vehicle.
2. Even if we were able to use the existing 42 ft. front setback and stay 5 ft. off the edge of the septic tank to the north, it would only accommodate a garage depth of 17 ft. This will not accommodate the garage space for our van which is 20 ft. long.
3. This would also significantly curtail the size and proposed intent of the interior workspace by a third of the desired workspace.

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

The hardship created is as a result of the code regulation requiring a front of property setback of 50 ft. and the restriction of space due to the existing placement of the septic tank.

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

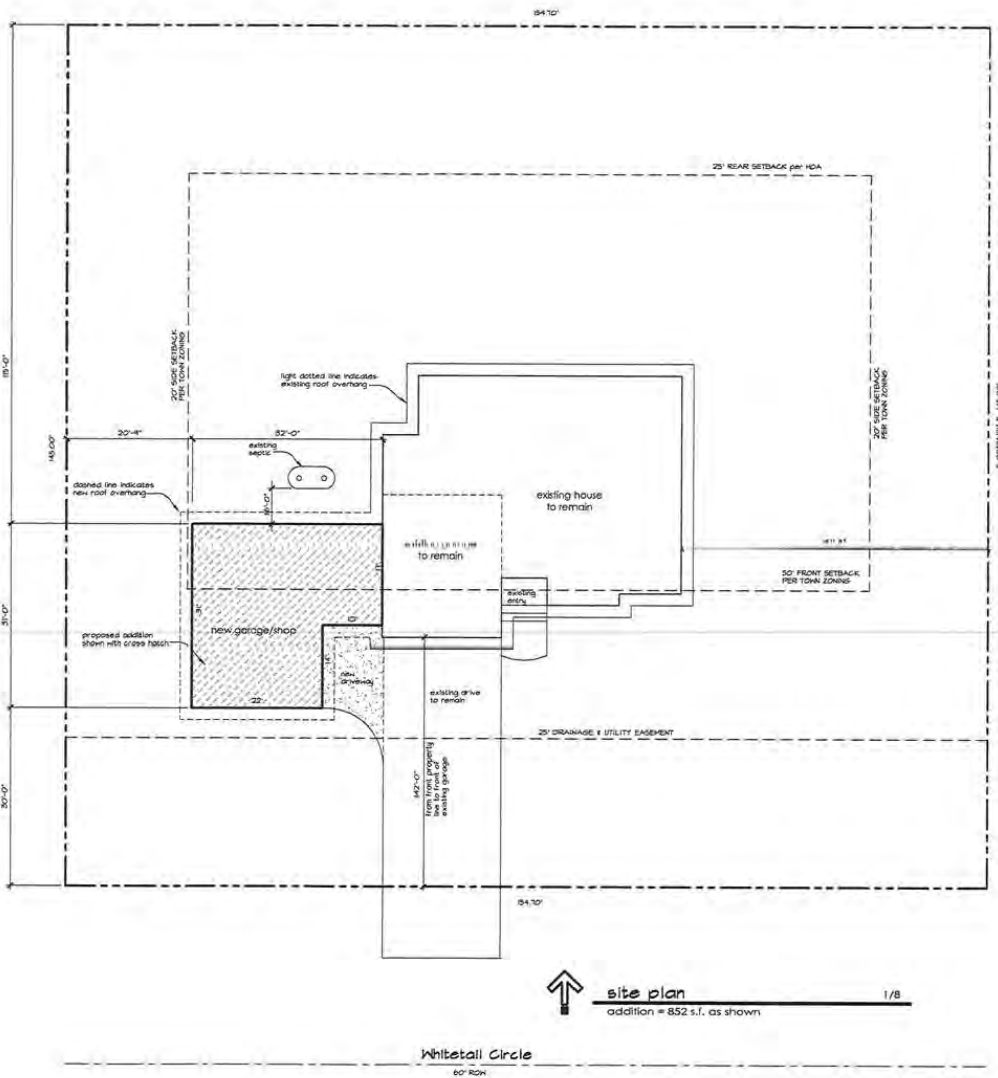
In reviewing the code, Article 4, Section 16-4-60, Items a 1-12, the request for variance will not be in any violation of the spirit and intent of that code. The variance requested only affects the front property line setback and does not encroach on any current utility easements and has no effect on any other property setbacks to the west, north or east.

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

The variance requested, if granted, will by no means adversely affect public health, safety or welfare and would afford the applicant similar rights enjoyed by other neighboring properties.







SITE NOTES Property lines and utility easements are from the plat for Herrington West by Interim Land Surveying Inc., dated 12-4-1996. Owner hired Interim Land Surveying Inc. to identify the southeast corner of the existing garage relative to the existing property lines. The property has setback requirements from both the Town of Herrington and the MCA, the most restrictive setbacks of the two are indicated on this plan.	SITE DIAGRAM
LEGAL DESCRIPTION LOT 22 HERRINGTON WEST COUNTY OF LINCOLNE STATE OF COLORADO ADDRESS & PROPERTY OWNER: 3494 WHITE TAIL CIRCLE HERRINGTON, COLORADO POLLY & SARA REARDON P703 222-2914 PARCEL NO. 040332093 ZONING DISTRICT: R1 SETBACKS: FRONT: 20' REAR: 25' SIDE: 20'	ARCHITECTURAL DESIGN Ken Morton Phone: 1970 402-0567 Email: kmorton@kenmorton.com Contact: Ken Morton
Reardon Addition 3494 Whitetail Circle Wellington, Colorado	
Drawn by Ken Morton	Date 4/09/2021
Reason Variance Request	
Sheet a1 of 1	



Re: Septic setback?

Chris Manley <manleycj@co.larimer.co.us>

Mon 5/17/2021 3:06 PM

To: Elizabeth Young Winne <winnee@wellingtoncolorado.gov>

Cc: David Menzies <menziedw@co.larimer.co.us>; Winton Westberry III <westbewl@co.larimer.co.us>; Keila Flores-Burgos <floresky@co.larimer.co.us>; Michael Wolf <wolfmc@co.larimer.co.us>

Liz,

The setback from a septic tank from a building is 5 feet. From the building to the leach field is 10 feet for a slab on grade foundation, or 20 feet for building with a full basement or crawl space.



Chris Manley, REHS
Environmental Health Services Director

Department of Health and Environment
1525 Blue Spruce Drive, Fort Collins, CO 80524
W: (970) 498-6784
emanley@larimer.org | www.larimer.org

On Mon, May 17, 2021 at 2:59 PM Michael Wolf <wolfmc@co.larimer.co.us> wrote:

Hi Guys,

Can you send Liz to the right person to help answer her question?

Thanks,

----- Forwarded message -----

From: **Elizabeth Young Winne** <winnee@wellingtoncolorado.gov>

Date: Mon, May 17, 2021 at 1:45 PM

Subject: Septic setback?

To: Michael Wolf <wolfmc@co.larimer.co.us>

Hi Mike,

Hope you're doing well! What is the standard used by LCDHE for residential septic setbacks to a building (garage/home/etc)? We were operating under the impression it was 10' but have an applicant whose saying 5' is what they were told.

Let me know, or feel free to pass this question along to the most appropriate staff.

Thank you for your assistance!

Liz Young Winne
Planner, Town of Wellington

winnee@wellingtoncolorado.gov