



Development Services Current Planning

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June 22, 2018

Notice and Order of Zoning Board of Adjustment Decision

The Current Planning Division is hereby providing notice to the applicant and all parties who participated in the hearing of the variance approval by the Zoning Board of Adjustment on June 22, 2018 for a street-side setback reduction of 5 feet - 4 inches and a lot area square footage reduction of 510 square feet. (Variance Application # 18-052.) Documents accompanying this notice describe the variance request and the decision of the Zoning Board of Adjustment.

To appeal the referenced decision, a notice of appeal must be filed with the Current Planning Division by 5:00 pm on Monday, July 3, 2017.

On 6/11/2018 the Loveland Zoning Board of Adjustment conducted a public hearing to consider a variance application filed with the City of Loveland by Tyler Folger, owner of 1001 ½ E 2nd Street, Loveland, CO. The following is a summary of the application that was heard:

"The variance application includes two associated variances relating to a residential development on property zoned R3e – Established High Density Residential. The property is located on the northeast corner of East Second Street and North Hayes Avenue. The property includes an existing single family home and a partially constructed duplex. The variance application requests a lot size reduction and a street-side setback reduction to accommodate a duplex."

The proposed determination by the Zoning Board of Adjustment for this application is **APPROVAL**, as set forth in the proposed Findings and Conditions, listed below. The Zoning Board of Adjustment has considered the presentation by City Staff and Applicant at the hearing, invited public comment and has reviewed the Staff Report. Pursuant to Chapter 18.60 of the Loveland Municipal Code, the Zoning Board of Adjustment hereby

FINDS:

1. That the Applicant's justification regarding the unique circumstances or conditions that are particular to, or related to, the land or structure for which the variance is requested, is adequate in that:
 - The hardship the applicant experienced is the impracticability of using the property for the zoned purpose if it were subject to the standard setback and lot size requirements.
 - The hardship is not being able to use the full potential of the site due to restrictions on using the adjoining right-of-way.

2. That the special circumstances are not the result of actions or inactions by the Applicant or the current Owner, in that the unique location of the property lines have allowed this lot to function as a larger lot and achieve the function of the full setback requirement.
3. That the strict interpretation and enforcement of the provisions of the code would cause an unnecessary or undue hardship, in that it would require the applicant to convert the duplex to a single family and it would not allow the applicant to construct a two-bedroom layout using the high-density lot to its full potential.
4. That granting the variance, with the conditions stated below, is the minimum action needed to accommodate or alleviate the difficulty or hardship involved as the variance is less than 6 feet for the street-side setback and less than 600 square feet for the lot area square footage.
5. That the variance would not substantially impact the use and enjoyment or development of other property in the vicinity of the land or structure, in that the recently constructed duplex is an improvement to the neighborhood and is in harmony with the R3e zone district.
6. That the variance would not authorize any use in a zoning district other than a use specifically permitted in such zoning district, three-family dwelling units (multi-family) are uses permitted by right in the R3e zone district.
7. The variance would not waive or modify the requirements of any use by special review because the subject property is not restricted by any special review use.

NOW, THEREFORE, IT IS ORDERED BY THE ZONING BOARD OF ADJUSTMENT that the application from Tyler Folger for a variance to reduce the street-side setback by 5 feet – 4 inches and reduced the lot area square footage by 510 square feet, be and hereby is, **APPROVED**, subject to the following conditions:

1. A site development plan and associated construction plans must be submitted.
2. A building permit must be submitted, and inspections will be required.

Dated this 22nd day of June, 2018. BY:


Carol Dowding, Planning Commission Chair

The proposed Findings and Conditions constitutes the final decision of the Zoning Board of Adjustment and is included for your review. Section 18.60.040 of the Municipal Code stipulates that the proposed Findings and Conditions made by the Zoning Board of Adjustment for the variance shall be submitted to the members of the Board, the Applicant and each person who participated in the public hearing. If any Party-of-Interest, wish to object to the proposed Findings and Conditions for the

application, an appeal may be filed. Any appeal must be filed with the Current Planning Division, City of Loveland, 410 East 5th Street, Loveland, CO. 80537, **no later than 5:00 P.M., 7/3/2018**. Any appeal must be submitted in writing. Appeals must specifically state the matters objected to, based on the criteria described in sub-section 18.80.030.B. of the Loveland Municipal Code. If no appeal is filed by the aforesaid time, date and place, the proposed Findings and Conditions made by the Zoning Board of Adjustment shall become the final decision of the Zoning Board of Adjustment in this matter, with no further action by the Board. If an appeal is filed, the full record of the hearing conducted on 6/11/2018 shall be forwarded to City Council for their review and a public hearing will be scheduled for final action by the City Council.

If an appeal is filed, a hearing will be scheduled with the City Council at the first available date for which proper notice can be given.

Please contact me if you have any questions about this notice, the approval of variance # 18-052, or the appeal process.

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