



**LOVELAND ZBA MEETING  
AGENDA**

**Monday, September 23, 2019  
4:00 p.m.**

**Development Center - EOC – 410 E 5<sup>th</sup> Street  
Loveland, CO 80537**

**Notice of Non-Discrimination**

It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.

For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at [TitleSix@cityofloveland.org](mailto:TitleSix@cityofloveland.org) or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at [ADACoordinator@cityofloveland.org](mailto:ADACoordinator@cityofloveland.org) or 970-962-3319.

**Notificación en contra de la discriminación**

La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.

Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en [TitleSix@cityofloveland.org](mailto:TitleSix@cityofloveland.org) o al 970-962-2372. La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Discapacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en [ADACoordinator@cityofloveland.org](mailto:ADACoordinator@cityofloveland.org) o al 970-962-3319.

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: [cityofloveland.org/](http://cityofloveland.org/)

**I. CALL TO ORDER**

Hearings are conducted by Zoning Board Adjustment Hearing Officer Milo Hovland.

**II. REGULAR AGENDA:**

**1. 5408 Lighthouse Point Court – Variance Hearing - continuation from August 12, 2019**

This is a continuation of a public hearing to consider a variance request to reduce the side yard setback between structures from 10 feet to 6 feet 8 inches to allow a newly constructed deck to remain. In the Mariana Cove Planned Unit Development, side yard setbacks are measured between building structures, which is different from a typical City subdivision that measures setbacks to a property line. The PUD requires a minimum 10-foot separation between structures, including raised decks.

The applicant recently constructed a raised deck that encroaches into the 10-foot separation distance by 3 feet 4 inches. The building permit for the deck identified dimensions and setbacks that were in compliance with the 10-foot separation between the deck and the neighboring residence. However, the applicant made adjustments during the construction that increased the width of the deck along the side yard and resulted in a separation distance of 6 foot 9 inches. Once constructed, the City received a complaint regarding the location of the deck.

The applicant has indicated that the enlarged deck is necessary to fully enjoy the property and is the most aesthetically pleasing way to protect the retaining wall and French drain from foot traffic. The applicant as well as other residents in the neighborhood have indicated that other properties in the subdivision have structures that encroach into the side yard setback. However, the structures have not received building permits or approvals by the City. The City has also not received complaints regarding setbacks for the other structures from the neighborhood.

Approval of the variance request would allow the newly constructed deck to remain in its current location. Denial of the variance request would require the applicant to remove the portions of the deck that are less than 10 feet from the adjacent structure, or about 3 ½ feet of the deck in the side yard.

### **III. ADJOURNMENT**