



David Carron
Nathanial Coffman
David Lawton
John McCoy
Philip San Filippo
Ian Shuff
Katie Vogel

Council Liaison: Shirley Peel
Staff Liaison: Noah Beals

LOCATION:
City Council Chambers
300 LaPorte Avenue
Fort Collins, CO 80521

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

REGULAR MEETING JANUARY 12, 2023 8:30 AM

Meeting Participation

Participation in the Land Use Review Commission meeting on Thursday, January 12, 2023, will only be available **IN PERSON** in accordance with Section 2-73 of the Municipal Code.

The meeting will begin at 8:30 a.m. in City Council Chambers at City Hall, 300 Laporte Ave.

Documents to Share: If residents wish to share a document or presentation, **City Staff needs to receive those materials via email by 24 hours before the meeting.** Please email any documents to nbeals@fcgov.com.

Individuals uncomfortable with public participation are encouraged to participate by emailing general public comments **24 hours prior to the meeting** to nbeals@fcgov.com. Staff will ensure the Commission receives your comments. If you have specific comments on any of the discussion items scheduled, please make that clear in the subject line of the email and send **24 hours prior** to the meeting.

If you need assistance during the meeting, please email kkatsimpalis@fcgov.com.

- **CALL TO ORDER and ROLL CALL**
- **APPROVAL OF MINUTES FROM PREVIOUS MEETING**
- **CITIZEN PARTICIPATION (Items Not on the Agenda)**
- **APPEALS FOR VARIANCE TO THE LAND USE CODE**

1. APPEAL ZBA220031

Address: 4624 S Mason St.
Owner: GKT Arbor Plaza LLC
Petitioner: Collins Corbett, National Account Manager, Anchor Signs /
Jim Donati, Project Manager
Zoning District: C-G
Code Section: 3.8.7.2(A) Table(A)
Project Description:

This is a request for the total sign allotted to the site to exceed by 42.55 square feet. The total sign area allotted to the site, based on building frontage, is 170 square feet.

2. APPEAL ZBA220038

Address: 307 Wayne St.
Owner: Dan Walter & Carolyn Schultz-Walter
Petitioner: Jeffrey J. Schneider, Contractor, Armstead Construction
Zoning District: N-C-L
Code Section: 4.7(D)(3) & 4.7(E)(3)
Project Description:

This is a request for 2 variances:

1. Request for a new addition to encroach 5-feet into the required 15-foot rear setback.
2. Request to exceed the maximum floor area on the rear half of the lot by 628 square feet. The maximum allowed on the rear half of the lot is 468 square feet.

3. APPEAL ZBA220039

Address: 305 Park St.
Owner: Dan MacKinnon
Petitioner: Jeffrey J. Schneider, Contractor, Armstead Construction
Zoning District: N-C-M
Code Section: 4.8(D)(5)
Project Description:

This is a request to exceed the maximum square footage for an accessory building with habitable space by 67 square feet. The maximum floor area for an accessory building with habitable space is 600 square feet.

4. APPEAL ZBA220040

Address: 301 E Stuart St.
Owner: Trinity Lutheran Church
Petitioner: Katie Barron, Sign Committee Chairperson
Zoning District: L-M-N
Code Section: 3.8.7.1(J)(2)(b)(1)
Project Description:

This is a request to replace an existing primary detached sign with a new sign that will have an electronic messaging center display. The new sign will be 69 feet from the residential property to the north, and 81 feet from the residential property to the east. Signs containing an electronic messaging center display must be located 100 feet from the nearest residential property.

5. APPEAL ZBA220041

Address: 135 Bockman Dr.
Owner: Boniuk Interests Ltd
Petitioner: Jeff Everhart, Sign Contractor, Concept Signs & Graphics
Zoning District: C-G
Code Section: 3.8.7.2 Table(B)
Project Description:

This is a request for a wall sign to exceed the maximum wall sign height by 1 foot 6 inches. The maximum wall sign height is 7 feet.

6. APPEAL ZBA220042

Address: 4114 Rolling Gate Rd.
Owner/Petitioner: Susan and Terry Gibbons
Zoning District: R-L
Code Section: 4.4(D)(2)(d)
Project Description:

This is a request for three pergolas to encroach 4.5 feet into the interior 5-foot side setback.

- **OTHER BUSINESS**

-Election of officers for 2023

- **ADJOURNMENT**



Shelley La Mastra, Chair
Ian Shuff, Vice Chair
Nathanial Coffman
David Lawton
John McCoy
Taylor Meyer
Katie Vogel

Council Liaison: Shirley Peel
Staff Liaison: Noah Beals

LOCATION:
City Council Chambers
300 LaPorte Avenue
Fort Collins, CO 80521

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**REGULAR MEETING
DECEMBER 8, 2022
8:30 AM**

- **CALL TO ORDER and ROLL CALL**

Commission members Shuff, Lawton, Coffman, and McCoy were present; commission members Meyer, Vogel, and Chair La Mastra were absent.

- **APPROVAL OF MINUTES FROM PREVIOUS MEETING (November 10, 2022 Minutes)**

Lawton made a motion, seconded by Coffman to approve the November 10, 2022, Regular Hearing Minutes. The motion was adopted unanimously.

- **CITIZEN PARTICIPATION (Items Not on the Agenda)**

- **APPEALS FOR VARIANCE TO THE LAND USE CODE**

- 1. **APPEAL ZBA220035**

Address: 3044 Reliant St.
Owner/Petitioner: Doug & Janine Fritch
Zoning District: L-M-N
Code Section: 3.5.2(E)(2) & 3.5.2(E)(3)
Project Description:

This is a request for two variances to build a detached pergola:

- 1) Request to encroach 2 feet into the 8-foot rear setback.
- 2) Request to encroach 6 feet into the 15-foot corner side setback.

Staff Presentation:

Beals presented slides relevant to the appeal and discussed the variance request, noting that the property is located in the Mosaic neighborhood, north of Mulberry Ave. and east of Timberline Dr. The subject property is at the corner of Reliant St. and Dozier Rd.

The request is to build a pergola in the northeast corner of the property, extending the covered deck area towards the rear and side property lines. The house currently sits at the required 15-foot side setback from the property line; currently the house is approximately 21 feet from the rear property line. Because the side of the property is along a street, the required setback is considered a "street-side" setback, which requires 15 feet as apposed to an interior side setback which would require a 5-foot setback.

The proposed element is a pergola, open on all four sides with a semi-transparent roof. The proposed location would place the pergola up to the 6-foot easement that runs along the back property line, with a 2-foot encroachment into the rear setback, and nine feet from the side property line.

Looking at a picture of the front of the house, Beals pointed out the side yard where the encroachment would occur. Beals noted some elements that are allowed in a setback, including a fence of six feet or smaller (with a conforming fence currently present) which does not have to be transparent; this existing fence is probably more visually intrusive than the proposed pergola, which is open on all four sides. The proposed pergola location and existing paver landscaping are visible in pictures of the rear of the property.

Applicant Presentation:

Applicant representative Scott Hodson, of Grounded Landscape Designs, addressed the commission and offered comment. Hodson stated that the main reason that a variance is being requested is due to the limitations of the corner lot; if the 15-foot side setback were maintained, it would not leave any room for the proposed pergola structure. Other locations in the yard are not feasible and would require a taller pergola structure. As currently presented, height can be limited to approximately 9 feet and be more in proportion with a normal pergola. Drainage to the west needs to be maintained, which means the pergola needs to be placed within the east portion of the yard. To the east of the property is a large open space, so the pergola would not be blocking others' view and would be behind the existing 6-foot fence. Neighbors to the northwest and southwest have planted trees for visual blocks already, and there are no vehicular sight lines that would be blocked. Additionally, the proposed location does not encroach on any of the existing utility easements.

Commission member Lawton asked Hodson to clarify if the structure would be 9 feet tall, as the drawings have a height of 8 feet marked. Hodson stated that the 8-foot measurement in the drawing are from the paver grade to the bottom of the beam (representing clearance under the beam); the beams are 2 inches x 10 inches, so total height to the top of the beam would be 8 feet 10 inches.

Lawton asked if the pergola would be open at the top; Hodson explained that roof rails are built flush with the top of the main beams and are spaced at 1 foot 3 inches.

Commission Discussion:

Commission member McCoy stated that he had no objection to the request as submitted and recommended that the request be approved.

Commission member Coffman agreed with McCoy's recommendation to approve, noting that the most visual impact occurs to the east, where any potential future neighbors would be located across the street. On the rear side, the pergola would extend only 3 feet above the existing fence line; additionally, existing trees help to obscure the view between adjacent homes.

Commission member Lawton agreed with the recommendation to approve, commenting that because it is a street-facing corner lot there is a wider setback requirement; the proposed pergola would build character in the property and the project plan is solid.

Vice-Chair Shuff agreed with the previous comments and noted his appreciation for the applicant's presentation in calling out site constraints and thought process behind the proposed location.

Commission Member Lawton made a motion, seconded by Coffman, to APPROVE ZBA220035 for the following reasons: under section 2.10.4(H) the variance is within the condition not detrimental to the public good; the pergola is open on four sides; the covering is semi-transparent; the pergola is behind a 6-foot tall privacy fence; the pergola does not encroach into the existing easements. Therefore, the variance requests will not diverge from the

standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code contained in Section 1.2.2

Yeas: Shuff, Lawton, Coffman, McCoy

Nays: -

Absent: La Mastra, Meyer, Vogel

THE MOTION CARRIED, THE ITEM WAS APPROVED

2. APPEAL ZBA220036

Address: 1010 W Mountain Ave.
Owner/Petitioner: Patrick & Lindsey Steele-Idem
Zoning District: N-C-L
Code Section: 4.7(D)(2)(a)(2)
Project Description:

This is a request to not include ceiling height greater than 7 feet 6 inches on the second story of an accessory building as allowable floor area.

Staff Presentation:

Beals presented slides relevant to the appeal and discussed the variance request, noting that the property is located on Mountain Ave, between Shields St. and Mack St. The request is to have an accessory building with habitable space, and for the upper story area not count towards the overall allowable floor area for an accessory building.

Beals explained that the issue here is that accessory buildings in this zone currently have a limit on floor area – once the ceiling height of the upper story reaches 7.5 feet or more, that floor area counts towards the allowable maximum. If ceiling height is lower than 7.5 feet, it does not count towards floor area.

The applicant has received a building permit to build with a ceiling height less than 7.5 feet and can technically build the building now as permitted. The request now is to allow ceiling height to be greater than 7.5 feet. This is a standard that is consistently applied to this type of structure, so granting approval would be a substantial deviation in how the standard is normally applied.

Plans submitted show a request to modify the ceiling trusses to create a higher ceiling height than what was originally designed. By so doing, by definition, that floor area increase is almost double the allowable area for that structure. Floor plans show a main floor consisting of shop/garage area, with a second floor made up of habitable space.

Beals presented images of the current property, noting the location of driveway off of the street as well as an existing garage structure that is planned to be demolished. Images of the rear yard show where the proposed structure would be built.

Commission member Coffman asked if there were any issue with the total allowable floor area for the lot. Beals responded that there did not appear to be any issues but requested that he clarify with staff who reviewed the application as well.

Vice-Chair Shuff asked Beals to confirm his understanding that if the ceiling height is maintained under 7.5 feet, floor area does not have to be counted towards the allowable maximum for an accessory building. Beals confirmed this as accurate. Beals noted that the proposed changes in ceiling height are all internal, and no change would be visible to the overall shape/exterior of the building.

Commission member Lawton asked Beals to explain the intent of the 7.5-foot height limit. Beals responded that it aligns more with the building code, as far as the building code is concerned about habitable space. The limit helps to keep accessory buildings low, and not become a massive/looming structure in rear yard spaces. Also, it attempts to keep the spaces more oriented toward storage spaces rather than full carriage house-type structures.

Commission member McCoy asked for confirmation that the overall height of the building has not changed, merely the internal ceiling height. Beals confirmed that as accurate.

Commission member Coffman asked another clarifying question regarding the counting of habitable floor area, asking if the Commission would be considering a variance in the quantity of allowable space? Can we make a variance regarding a definition? Beals commented that the request is not to "count" the space but is instead a request to "exceed" the allowable floor area of standard.

Applicant Presentation:

Applicant Patrick Steele-Idem, owner of 1010 W Mountain Ave, addressed the Commission and offered comment. Steele-Idem stated that the intention of the space is to be an office space, as both he and his partner are currently working from home and need the extra space to separate their two working spaces. Steele-Idem stated that they have no intention of creating a space that would be used as a rental and have signed documents with the City stating as much. The proposed increase in ceiling height is intended to make the most out of a structure that has already been approved. The increase in ceiling height would have no effect at all on the exterior dimensions, and the applicants don't believe there would be any impact to the neighborhood. Three neighbors have submitted signed letters expressing their support and/or lack of objections; two of those individuals are present at the hearing.

Commission member Lawton asked the applicant if they were involved in the original design of the building; Steele-Idem responded yes. Lawton then asked the applicant if they were ok with the building as originally designed; Steele-Idem stated that it was "contentious", and they wanted a higher ceiling height to begin with. He described trying to convince himself that the 7.5-foot height would be ok, but after experiencing that height in person, it did not seem like a good long-term solution given the scope and cost of the project.

Audience Participation:

Audience member Darrell Austin, resident at 1016 W Mountain Ave., addressed the Commission and offered comment. Austin asked Beals to present the aerial view of the property with the block. Austin noted the large structure in the back of his property, which he built. He had to address the issue of the ceiling height as well. Austin noted that no exterior changes are being made; in fact, the applicant is not asking for any changes in the total floor area but is simply being asked to account for it due to the ceiling height being raised. Austin voiced his support for the project, and it's benefit to the subject property as well as the neighborhood as a whole. This would optimize the investment and value of the subject property.

Audience member Ann Stewart, neighbor of the applicant to the east side, stated that she had absolutely no objections to the project and feels that it would add to the character of the neighborhood.

Commission Discussion:

Commission member Lawton asked Beals to return to the aerial view of the block, asking if the large structure on the South-west corner could be identified for reference. Commission member Coffman identified the building as the Little on Mountain restaurant and adjacent townhomes. Beals also noted that there is a zone district change right at that property, as the zone changes from L-M-N to N-C-L.

Beals responded to an earlier question regarding total square footage for the lot after consulting with zoning staff, noting that the proposed structure would put the allowable floor area for the lot over the allowable maximum.

Commission member Coffman commented that the proposed change would add quite a bit of calculated floor area; but looking at the change in design it is hard to argue that it is not nominal and inconsequential when the building at its effect on the surrounding neighborhood does not appear to change at all.

Commission member Lawton stated that this type of structure appears to be in line with where the city is headed, in allowing more habitable space, multi-family dwellings, carriage houses, etc. This is an area that already has this type of structure. Beyond the code, in actual terms, this isn't any change in the exterior or visibility to the neighbors. Lawton asked if we have all of the conditions that this variance would be for? Beals stated that allowable square footage for the lot is 3,150 sq ft; this would represent a total area on the lot of 3,502 sq ft. Lawton stated that he feels the request is reasonable, and representative of where the city is headed anyway.

Coffman asked if approving this request would turn the structure into a carriage house by code definition? That is more of a distinction of a full dwelling unit with a kitchen. Beals confirmed this as accurate, noting that if a kitchen were to be added in the future it would require a full development review process to turn the structure into a dwelling unit.

Vice-Chair Shuff commented that this request was a bit challenging; this is the way the code has been written for a while, and many previous applicants have asked for this variance and been denied. There may be an issue of equity if this request is approved while other similar applications have been denied. Shuff stated that he has a similar building in his own back yard, which has a ceiling height of 7 feet 5 inches, which conforms to code and feels ok. The issue here is more about the strict and equal application of the code, rather than the potential impact to the mass of the structure, which the applicant has shown here would not be changed. As written currently, the code creates a deal wherein a property owner can maintain additional floor space if and when the ceiling height is maintained at the lower height required by code.

Commission member McCoy stated his opinion that the change would be insignificant; the exterior of the building has been permitted and is ok. McCoy acknowledged the points made by Shuff, while at the same time felt that it was insignificant given the nature of the neighborhood, which has a number of similar accessory buildings already.

Lawton acknowledged the points made by Shuff, stating that this is the reason the Commission exists, to interpret and provide discretion to requests like this. If the code were only to be strictly enforced, there would be no need for the Commission. This request does not appear to have any negative impact on other individuals but is simply at odds with code. Lawton does not have a problem with the request given that there would be no changes to the exterior of the structure; Lawton also noted that the commission needed to be sure to state the variance accurately when putting forth a motion.

Shuff posed the question of if the variance was in fact asking for a higher ceiling or was asking for a larger area to be allowed on the lot. Lawton asked if it would in fact be two separate variances. McCoy offered that because the original drawing had a ceiling height below 7 feet 6 inches, the floor space was not originally considered habitable area. Shuff explained that currently, the land use code says that when a ceiling is under 7 feet 6 inches, the corresponding floor area does not have to be counted against the total lot calculation. If the ceiling is higher than allowed, the floor area then technically needs to be accounted for in the total square footage allowed on the lot.

Coffman commented that it was hard to see how making the change suddenly does not follow the purpose of the Land Use Code, when it is not changing the use of the building or the lot. It feels a bit like nitpicking – the numbers appear to show a big increase, but the actual effect on the neighborhood and land use appears to be nominal.

Shuff alluded to the current status of flux regarding the Land Use Code, and asked Beals how these standards might change in the new codes. Is the intent for the new code to maintain these same provisions and definitions? Beals provided some background, noting that the new code was adopted November 1, 2022; in that time a protest has been filed, and is gathering signatures on order to have Council act by either repealing the code or putting the item to a vote for referendum. In the new code (Land Development Code), it does allow for a carriage house. The standard for what is allowed on the overall lot goes away, and instead we have building forms that dictate how much floor area is allowed in primary structures and accessory dwelling units. What hasn't gone away is how much floor area is allowed on the rear portion of the lot; this is a means to ensure that ADU are still compatible within the neighborhood. The ADU allowance is 45% of the floor area of the primary building, or 1,000 square feet, whichever is more restrictive. Beals noted that the proposed structure would exceed 1,000 square feet and may not conform under the new code either.

Commission Member Coffman made a motion, seconded by Lawton, to APPROVE ZBA220036 for the following reasons: the granting of the modification of standard would not be detrimental to the public good, and the proposal as submitted will not diverge from the standards of the Land Use Code except in a nominal and inconsequential way when considered in the context of the neighborhood, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2. This is supported by the lack of change in the exterior shape of the building, and the effect on neighboring properties.

Yeas: Lawton, Coffman, McCoy Nays: Shuff
THE MOTION CARRIED, THE ITEM WAS APPROVED

Absent: La Mastra, Meyer, Vogel

- **ADJOURNMENT – meeting adjourned at 9:26am**

Ian Shuff, Vice-Chair

Noah Beals, Senior City Planner-Zoning

STAFF REPORT

January 12, 2023

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA220031

PROJECT DESCRIPTION

Address: 4624 S Mason St.
Owner: GKT Arbor Plaza LLC
Petitioner: Collins Corbett, National Account Manager, Anchor Signs /
 Jim Donati, Project Manage

Zoning District: C-G

Code Section: 3.8.7.2(A) Table(A)

Variance Request:

This is a request for the total sign allotted to the site to exceed by 42.55 square feet. The total sign area allotted to the site, based on building frontage, is 170 square feet.

COMMENTS:

1. Background:

The property is a part of the 1981 Arbor Commercial Annexation. It received development approval in 1995 through the Fazoli's at Arbor Plaza PUD. The original building was designed with a drive-thru and the new owner will continue the use of the drive-thru.

The site design includes signs on both the building and a ground sign that is visible from S College Ave. The request is to exceed the overall allotment for sign area by 25%. This proposed design includes a monument sign along college, four wall signs distributed on the north, south and east walls. A drive-thru sign is proposed and is not included per the code in the total sign allowable area for the property.

The property has frontage only along S College Ave. Although Mason Street is public right of way and the driveway access is from Mason this driveway exists through an easement on another property.

The proposed signs do not exceed overall height or location limitations.

2. Applicant's statement of justification: See petitioner's letter.

3. Staff Conclusion and Findings:

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public good
- The increase of sign area is limited to three sides of the building and the ground sign
- The ground sign is existing.
- The proposed signs do not exceed overall height or location limitations.

Therefore, the variance requests will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code contained in Section 1.2.2

4. Recommendation:

Staff recommends approval of APPEAL ZBA220031.



Application Request for Variance from the Land Use Code

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Zoning Board of Appeals shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner's Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	Krispy Kreme 4624 South Mason	Petitioner's Name, if not the Owner	Collins Corbett – National Account
City	Fort Collins, CO	Petitioner's Relationship to the Owner is	Signage Vendor
Zip Code	80525	Petitioner's Address	2200 Discher Avenue Charleston
Owner's Name	GKT Arbor Plaza, LLC	Petitioner's Phone #	(843) 576-3238
Code Section(s)	3.8.7.2 - Permanent Signs (A) Sign Area Allowance Table (A) Sign Area Allowance	Petitioner's Email	ccorbett@anchorsign.com
Zoning District	Commercial/Industrial	Additional Representative's Name	Jim Donati -- Project Manager
Justification(s)	1. Hardship	Representative's Address	5856 Corporate Ave Suite 200 C
Justification(s)	2. Equal to or better than	Representative's Phone #	(532) 353-5906
Justification(s)	Additional Justification	Representative's Email	jim.donati@wksusa.com
Reasoning If not enough room, additional written information may be submitted	Please see the attached Anchor Sign Exterior Signage Variance Request document.		

Date

12/12/2022

Signature



December 13, 2022

City of Fort Collins
Land Use Review Commission
300 LaPorte Avenue
Fort Collins, CO 80521

Re: Exterior Signage Variance Request

Krispy Kreme Doughnut Corporation
4624 S Mason Street
Fort Collins, CO 80525

I am writing to request a sign variance allowing for 74.18 square feet of signage above the allowable sign area allowance for the new Krispy Kreme Doughnut store located at 4624 S Mason Street.

The Krispy Kreme store is located along a heavily trafficked roadway in a multi-tenant parcel occupied by several different brand types and tenants. The store is set back approximately TK ft. (+/-), far away from the nearest available intersection and significant traffic flow.

Due to Krispy Kreme's building position along S College Avenue, W Harmony Road, and S Mason Street, I respectfully request support from the City of Fort Collins Zoning Board of Appeals for relief from the City of Fort Collins Land Use Code regulations, specific to Article 3, Division 3.8.7 - Signs:

1. 3.8.7.2, Permanent Signs, Section (A) Sign Area Allowance, Subsection (1), specific to Table (A) Sign Area Allowance limiting Krispy Kreme to only one hundred and seventy (170) total square feet of signage.

Krispy Kreme Proposed Exterior Signage (4624 S Mason Street)

Sign A – 54” Krispy Kreme | Front Elevation (North) 47.54 Sq Ft

Sign B – 60” Krispy Kreme Hot Light | Front Elevation (North) 21.23 Sq Ft

Sign C – 54” Krispy Kreme | Left Elevation (East) 47.54 Sq Ft

Sign D – 54” Krispy Kreme | Left Elevation (East) 47.54 Sq Ft

Sign F – Krispy Kreme Drive Thru Menu Board | 31.63 Sq Ft

Sign J – 49” x 72” Krispy Kreme Monument Sign Lexan Faces | Two (2), Replacement Faces Existing Location Monument Sign (Upper Section) 19.02 Sq Ft each / 38.04 Sq Ft TOTAL

Sign K -- 30” Krispy Kreme Hot Light | Two (2) Replacement Faces Existing Location Monument Sign (Lower Section) 5.33 Sq Ft each / 10.66 Sq Ft TOTAL

Approval of the proposed signage variance request provides the Fort Collins community and drivers traveling through the area with increased store location visibility, enabling ease of locating store entryways and access points, thus preventing driver confusion, distraction, and the potential for traffic delays, vehicle accidents, and injuries.

Also, approval by the Commission of Krispy Kreme’s variance request allows Krispy Kreme to display nearly identical signage size and type to the installed signage currently displayed by neighboring tenants ex., (ex., Panda Express, 4600 S Mason Street, Fort Collins, CO 80525).

Finally, approval of Krispy Kreme’s signage variance request will not confer any special privileges not previously provided to other tenants in the area, and if granted, is the minimum relief that utilizes the reasonable use of the building and is consistent with the general intent and purpose of the City of Fort Collins Land Use Code regulations, specific to Article 3, Division 3.8.7 - Signs. It will not be detrimental or injurious to adjacent properties or the public welfare. The proposed signage is part of the standard Krispy Kreme interior and exterior signage package and would allow this location to coincide with other stores, both existing and future.

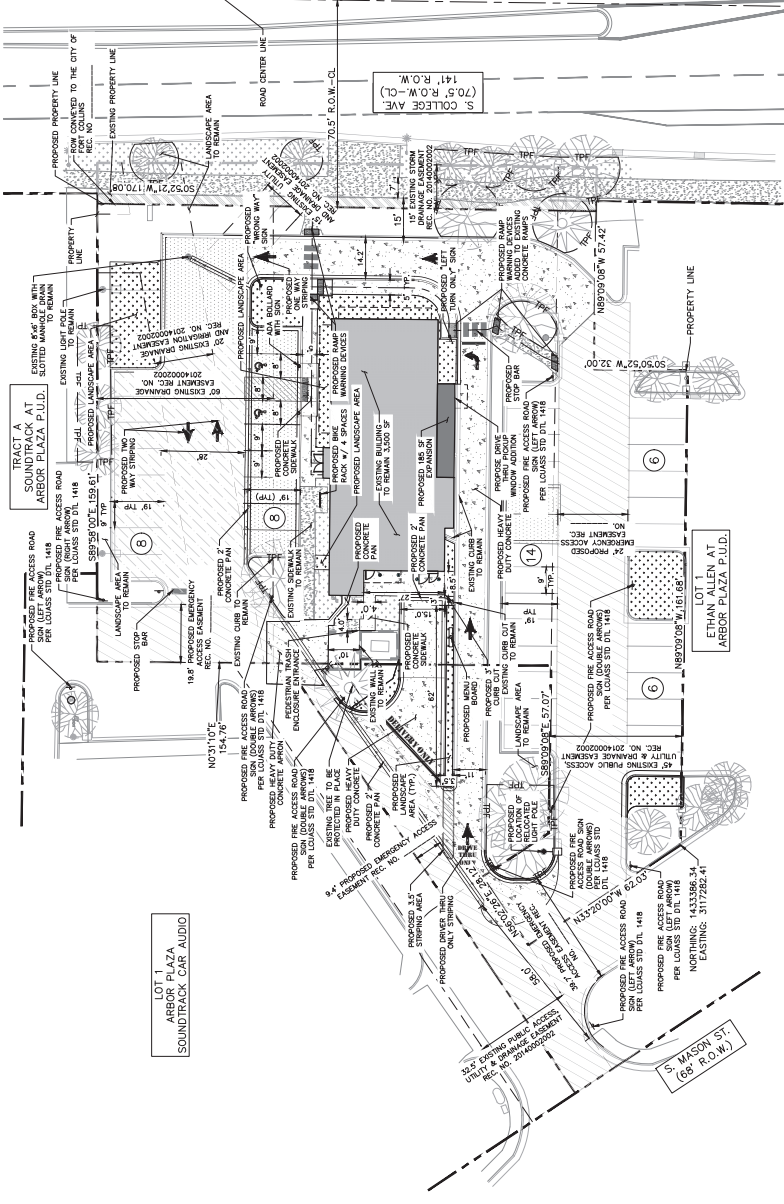
Thank you for reviewing my letter and considering Krispy Kreme’s signage variance request.

Sincerely,



Collins Corbett
National Account Manager
Anchor Sign, Inc.
(843) 576-3238
ccorbett@anchorsig.com

GRAPHIC SCALE IN FEET





Fort Collins, CO

Sign A	54" Krispy Kreme Type: Wall Sign w/ Acrylic Letters Illumination: Internally Illuminated w/ LEDs Square Footage: 47.54 [Footprint] To Grade: Top of Sign to Grade = 18'-0 1/4" Bottom of Sign to Grade = 13'-6 1/4"
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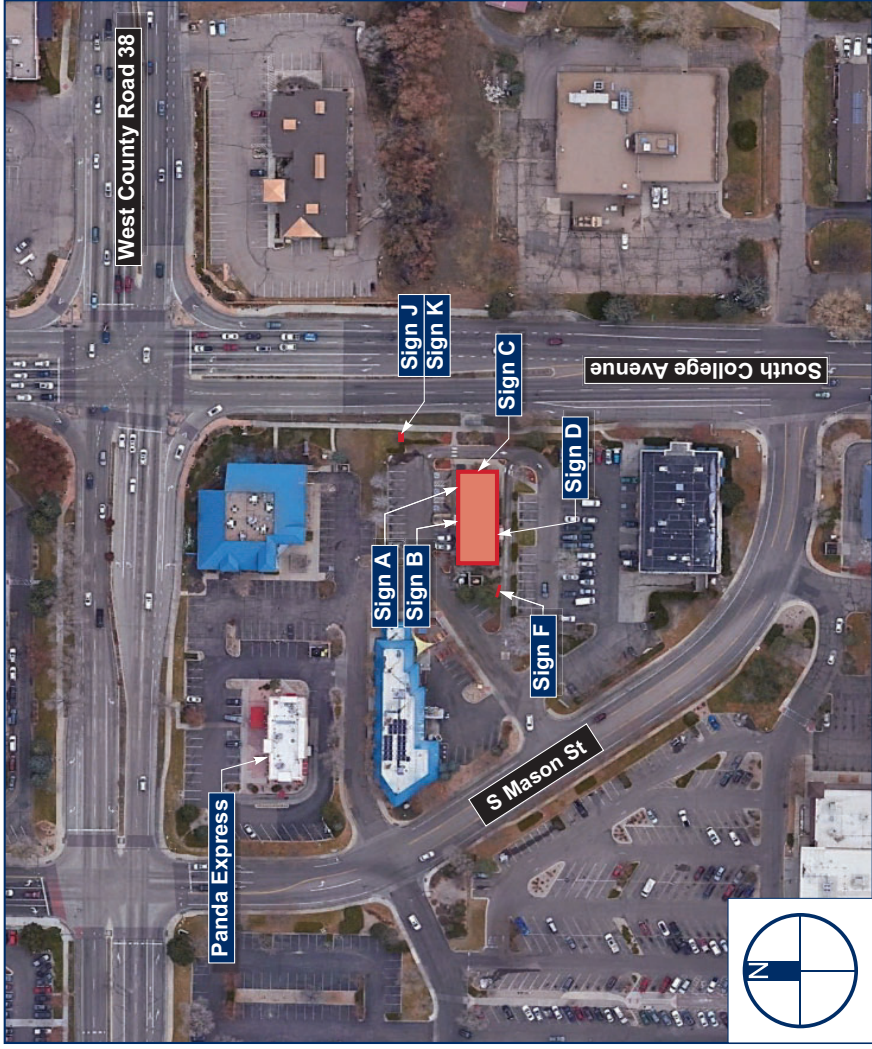
Sign B	60" Hot Light Type: Hot Light Wall Sign Illumination: Internally Illuminated w/ LEDs Square Footage: 21.23 [Footprint] To Grade: Top of Sign to Grade = 23'-10 1/2" Bottom of Sign to Grade = 18'-10 1/2"
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Sign C	54" Krispy Kreme Type: Wall Sign w/ Acrylic Letters Illumination: Internally Illuminated w/ LEDs Square Footage: 47.54 [Footprint] To Grade: Top of Sign to Grade = 17'-5" Bottom of Sign to Grade = 12'-11"
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Sign D	54" Krispy Kreme Type: Wall Sign w/ Acrylic Letters Illumination: Internally Illuminated w/ LEDs Square Footage: 47.54 [Footprint] To Grade: Top of Sign to Grade = 18'-0 1/4" Bottom of Sign to Grade = 13'-6 1/4"
---------------	--

Sign F	Krispy Kreme Type: Menu Board Illumination: Internally Illuminated w/ LEDs Square Footage: 23.35
---------------	---

Sign J	Krispy Kreme Type: New Lexan Panel w/ Applied Vinyl Actual Size: 49" X 72" Square Footage: 19.02 [Footprint]
Sign K	Krispy Kreme Type: Hot Light Sign on Backer Panel Illumination: Internally Illuminated w/ LEDs Square Footage: 5.33 [Footprint]



Client: Krispy Kreme
Site #: KKR-572
Address: 4624 South Mason Street
Fort Collins, CO 80525

REVISION INFO

07/06/2022	Original Renderings
10/03/2022	Added canopies to elevations & Signs to Front Elevation
10/05/2022	Added roadway callout, canopy color & updated callout box size callouts
12/13/2022	Added Sign F, J, and K
12/16/2022	Updated square footage for menu boards

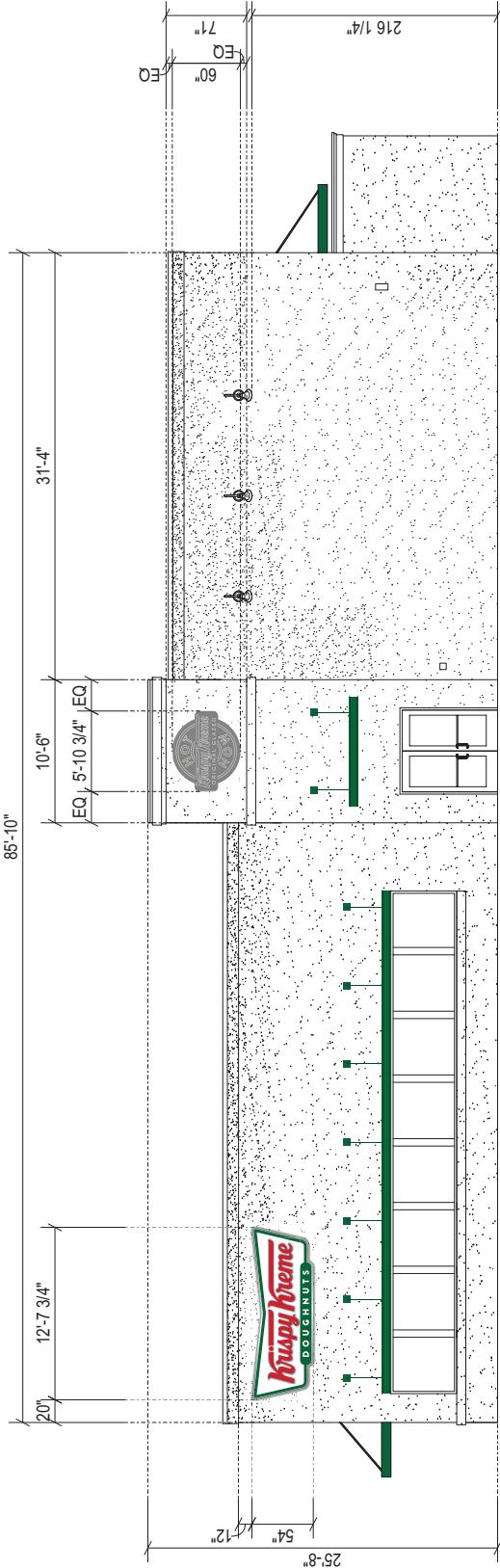
KH	
GO	
GO	
DA	
KB	

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1.800.213.3331

Sign A	54" Krispy Kreme	Sign B	60" Hot Light
Type:	Wall Sign w/ Acrylic Letters	Type:	Hot Light Wall Sign
Illumination:	Internally Illuminated w/ LEDs	Illumination:	Internally Illuminated w/ LEDs
Square Footage:	47.54 [Footprint]	Square Footage:	21.23 [Footprint]
To Grade:	Top of Sign to Grade = 18'-0 1/4"	To Grade:	Top of Sign to Grade = 23'-10 1/2"
	Bottom of Sign to Grade = 13'-6 1/4"		Bottom of Sign to Grade = 18'-10 1/2"



Front Elevation (North)

Scale: 3/32" = 1'-0"

Allowable Square Footage this Elevation:	170 Total
Formula: 170 Allowable SQ-Ft For Entire Building	
Actual Square Footage this Elevation:	96.74



Client: Krispy Kreme
 Site #: KKR-572
 Address: 4624 South Mason Street
 Fort Collins, CO 80525

REVISION INFO

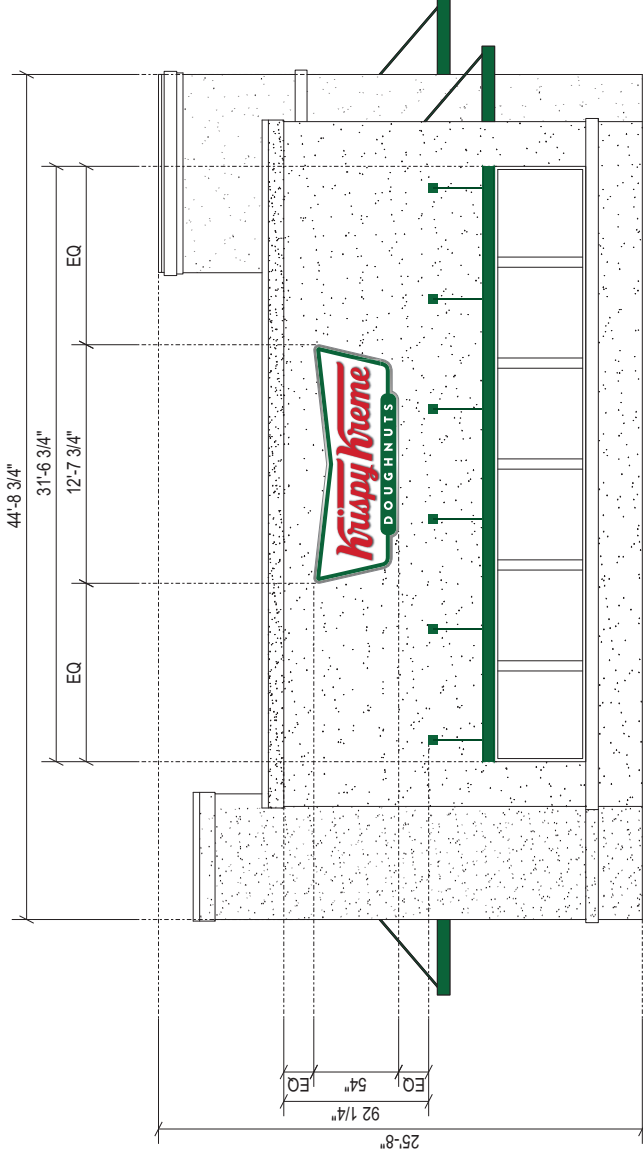
Original Renderings	KH
07/06/2022	GO
10/03/2022	GO
10/05/2022	GO
12/13/2022	DA
12/16/2022	KB
Updated square footage for menu boards	

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1 . 8 0 0 . 2 1 3 . 3 3 1


Sign C	54" Krispy Kreme
Type:	Wall Sign w/ Acrylic Letters
Illumination:	Internally Illuminated w/ LEDs
Square Footage:	47.54 [Footprint]
To Grade:	Top of Sign to Grade = 17'-5"
	Bottom of Sign to Grade = 12'-11"



Left Elevation (East)

Scale: 1/8" = 1'-0"

Allowable Square Footage this Elevation:	170 Total
Formula: 170 Allowable SQ-Ft For Entire Building	
Actual Square Footage this Elevation:	56.91

		Client: Krispy Kreme Site #: KKR-572 Address: 4624 South Mason Street Fort Collins, CO 80525		This rendering is the property of Anchor Sign, Inc. It is for the exclusive use of Anchor Sign, Inc. and the party which commissions this rendering. It is not to be distributed, reproduced or exhibited without the consent of Anchor Sign, Inc. Questions regarding this statement.	
REVISION INFO		Original Renderings		AnchorSign. 1 . 8 0 0 . 2 1 3 . 3 3 1	
		07/06/2022 10/03/2022 10/05/2022 12/13/2022 12/16/2022		KH GO GO DA KB	
		Added canopies to elevations & Signs to Front Elevation Added roadway callout, canopy color & updated callout box size callouts Added Sign F, J, and K Updated square footage for menu boards			

Sign A	54" Krispy Kreme
Type:	Wall Sign w/ Acrylic Letters
Illumination:	Internally Illuminated w/ LEDs
Square Footage:	47.54 [Footprint]
To Grade:	Top of Sign to Grade = 18'-0 1/4" Bottom of Sign to Grade = 13'-6 1/4"



Sign Layout Detail
Scale: 3/8" = 1'-0"



Electrical Detail:

GE TetraMax White LEDs
(2) GEPS 24-100 @ 1.1 amps
Total Amps: 2.2
(1) 20 amp 120V Circuit Req.



General Notes:

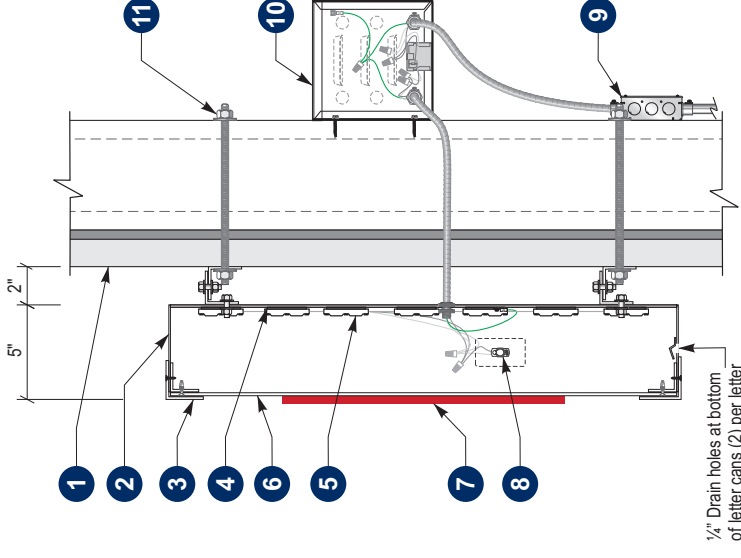
This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.

- 1) Grounded and bonded per NEC 600.7/NEC 250
- 2) Existing branch circuit in compliance with NEC 600.5; not to exceed 20 amps
- 3) Sign is to be UL listed per NEC 600.3
- 4) UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer*

*For multiple signs, a disconnect is permitted but not required for each section

Specifications:

1. Existing Facade: EIFS | Plywood | Wood Studs
2. .063" Aluminum sign cabinet painted to match Matthews 18133 Grey Steel Metallic
3. 1 1/2" X 1 1/2" Aluminum retainer painted to match Matthews 18133 Grey Steel Metallic
4. .080" Aluminum back welded to returns. Seal w/ VOC compliant 360 white latex caulk to prevent moisture penetration. (interior of sign can painted white for maximum illumination)
5. White LEDs
6. 3/16" 7328 White lexan face w/ applied first surface vinyl to match 3M 3630-6077 Green - **Bowtie**
7. 3/16" 2793 Routed red acrylic - **Krispy Kreme**
8. Disconnect switch UL Outdoor rated toggle type w/ neoprene boot per NEC 600-6
9. Primary electrical feed in UL conduit / customer supplied UL junction box
10. Transformers within UL enclosure (removable lid), 1/4" x 1" min screws
11. 2" X 2" X 3/16" Galvanized mounting clips w/ mounting hardware: 3/8" Thru Bolts



1/4" Drain holes at bottom of letter cans (2) per letter

Section @ LED Channel Letter Wall Sign
Scale: N.T.S.



Client: Krispy Kreme
Site #: KKR-572
Address: 4624 South Mason Street
Fort Collins, CO 80525

REVISION INFO

07/06/2022 Original Renderings

GO	Added canopies to elevations & Signs to Front Elevation
GO	Added roadway callout, canopy color & updated callout box size callouts
DA	Added Sign F.J. and K
KB	Updated square footage for menu boards

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AnchorSign.
1 . 8 0 0 . 2 1 3 . 3 3 1

Sign B	60" Hot Light
Type:	Hot Light Wall Sign
Illumination:	Internally Illuminated w/ LEDs
Square Footage:	21.23 [Footprint]
To Grade:	Top of Sign to Grade = 23'-10 1/2" Bottom of Sign to Grade = 18'-10 1/2"



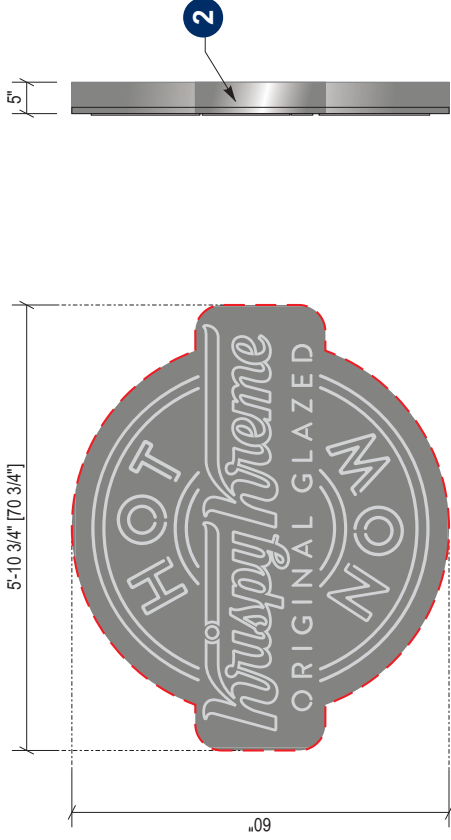
Electrical Detail:
White LEDs - Sloan Prism Nano (X) 60w Transformer @ 1.1 amps Total Amps: X.X (2) 20 amp 120V Circuit Req.

Electrical Detail:
Red LEDs - GE Edge Strips (X) 60w Transformer @ 1.1 amps Total Amps: X.X (2) 20 amp 120V Circuit Req.

General Notes:
This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.
1) Grounded and bonded per NEC 600.7/NEC 250
2) Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps
3) Sign is to be UL listed per NEC 600.3
4) UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer*
*For multiple signs, a disconnect is permitted but not required for each section



Client: Krispy Kreme
Site #: KKR-572
Address: 4624 South Mason Street
Fort Collins, CO 80525



Sign Layout Detail

Scale: 1/2" = 1'-0"

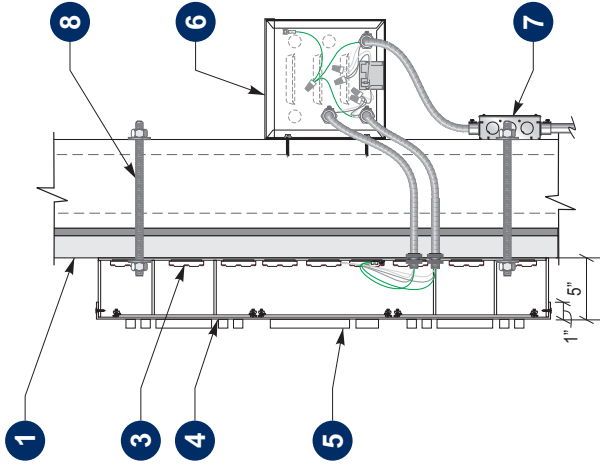
Side View

Scale: 1/2" = 1'-0"

*****NEW SECONDARY 3 POSITION TOGGLE SWITCH TO BE INSTALLED IN THE SAME LOCATION AS ORIGINAL SWITCH*****

Specifications:

- Existing Facade: EIFS | Plywood | Wood Studs
- .063 Aluminum letter returns welded to .125" Aluminum back, painted Matthews 18133 Grey Steel Metallic. Sealed w/ VOC compliant 360 white latex caulk
- Red LEDs - Entire face w/ HOT | NOW baffled
White LEDs - Krispy Kreme | Original Glazed | Bands
- .125" routed aluminum face painted Matthews 18133 Grey Steel Metallic w/ 1" lip #8 pan head screws to returns
- 1/2" Clear push thru acrylic copy w/ 1/4" reveal and sanded back
- Krispy Kreme - first surface applied vinyl to match Arlon Smoked Metallic 21 [2100 Series]
- Transformers within UL enclosure (removable lid), 1/4" x 1" min screws
- Primary electrical feed in UL conduit / customer supplied UL junction box
- Mounting hardware: 3/8" Thru Bolts



Section @ S/F Wall Sign

Scale: N.T.S.

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AnchorSign.
1 . 8 0 0 . 2 1 3 . 3 3 1

REVISION INFO	07/06/2022	Original Renderings	KH
	10/03/2022	Added canopies to elevations & Signs to Front Elevation	GO
	10/05/2022	Added roadway callout, canopy color & updated callout box size callouts	GO
	12/13/2022	Added Sign F, J, and K	DA
	12/16/2022	Updated square footage for menu boards	KB

Sign C	54" Krispy Kreme
Type:	Wall Sign w/ Acrylic Letters
Illumination:	Internally Illuminated w/ LEDs
Square Footage:	47.54 [Footprint]
To Grade:	Top of Sign to Grade = 17'-5"
	Bottom of Sign to Grade = 12'-11"



Sign Layout Detail
Scale: 3/8" = 1'-0"

Electrical Detail:

GE TetraMax White LEDs
(2) GEPS 24-100 @ 1.1 amps
Total Amps: 2.2
(1) 20 amp 120V Circuit Req.



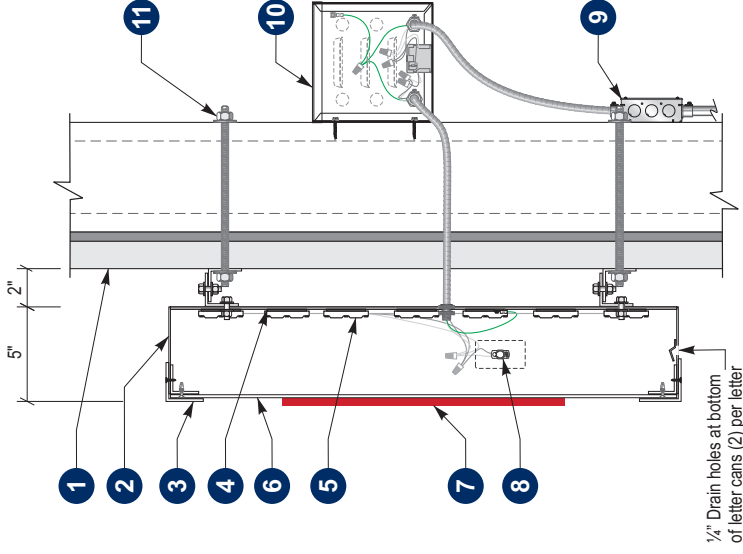
General Notes:

This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.

- 1) Grounded and bonded per NEC 600.7/NEC 250
 - 2) Existing branch circuit in compliance with NEC 600.5; not to exceed 20 amps
 - 3) Sign is to be UL listed per NEC 600.3
 - 4) UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer*
- *For multiple signs, a disconnect is permitted but not required for each section

Specifications:

1. Existing Facade: EIFS | Plywood | Wood Studs
2. .063" Aluminum sign cabinet painted to match Matthews 18133 Grey Steel Metallic
3. 1 1/2" X 1 1/2" Aluminum retainer painted to match Matthews 18133 Grey Steel Metallic
4. .080" Aluminum back welded to returns. Seal w/ VOC compliant 360 white latex caulk to prevent moisture penetration. (interior of sign can painted white for maximum illumination)
5. White LEDs
6. 3/16" 7328 White lexan face w/ applied first surface vinyl to match 3M 3630-6077 Green - **Bowtie**
7. 3/16" 2793 Routed red acrylic - **Krispy Kreme**
8. Disconnect switch UL Outdoor rated toggle type w/ neoprene boot per NEC 600-6
9. Primary electrical feed in UL conduit / customer supplied UL junction box
10. Transformers within UL enclosure (removable lid), 1/4" x 1" min screws
11. 2" X 2" X 3/16" Galvanized mounting clips w/ mounting hardware: 3/8" Thru Bolts



1/4" Drain holes at bottom of letter cans (2) per letter

Section @ LED Channel Letter Wall Sign
Scale: N.T.S.



Client: Krispy Kreme
Site #: KKR-572
Address: 4624 South Mason Street
Fort Collins, CO 80525

REVISION INFO

07/06/2022 Original Renderings

GO	Added canopies to elevations & Signs to Front Elevation
GO	Added roadway callout, canopy color & updated callout box size callouts
DA	Added Sign F.J. and K
KB	Updated square footage for menu boards

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AnchorSign.
1 . 8 0 0 . 2 1 3 . 3 3 1

Sign D	54" Krispy Kreme
Type:	Wall Sign w/ Acrylic Letters
Illumination:	Internally Illuminated w/ LEDs
Square Footage:	47.54 [Footprint]
To Grade:	Top of Sign to Grade = 18'-0 1/4" Bottom of Sign to Grade = 13'-6 1/4"



Sign Layout Detail
Scale: 3/8" = 1'-0"



Electrical Detail:

GE TetraMax White LEDs
(2) GEPS 24-100 @ 1.1 amps
Total Amps: 2.2
(1) 20 amp 120V Circuit Req.



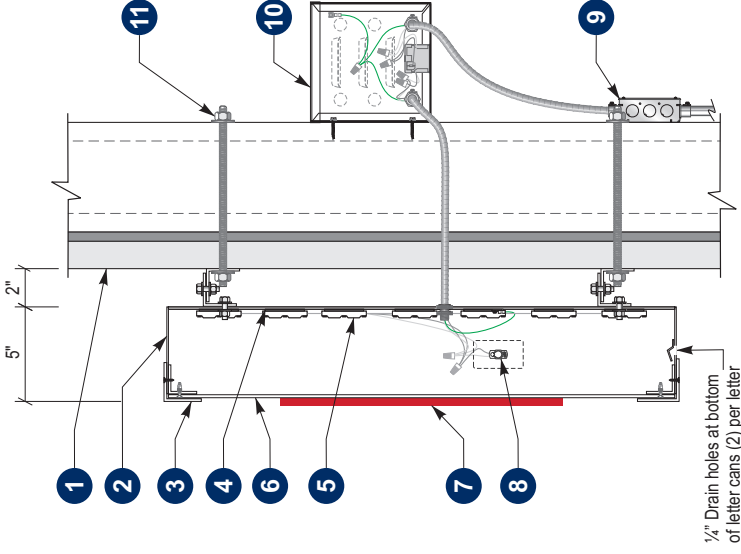
General Notes:

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- 1) Grounded and bonded per NEC 600.7/NEC 250
- 2) Existing branch circuit in compliance with NEC 600.5; not to exceed 20 amps
- 3) Sign is to be UL listed per NEC 600.3
- 4) UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer*
*For multiple signs, a disconnect is permitted but not required for each section

Specifications:

1. Existing Facade: EIFS | Plywood | Wood Studs
2. .063" Aluminum sign cabinet painted to match Matthews 18133 Grey Steel Metallic
3. 1 1/2" X 1 1/2" Aluminum retainer painted to match Matthews 18133 Grey Steel Metallic
4. .080" Aluminum back welded to returns. Seal w/ VOC compliant 360 white latex caulk to prevent moisture penetration. (interior of sign can painted white for maximum illumination)
5. White LEDs
6. 3/16" 7328 White lexan face w/ applied first surface vinyl to match 3M 3630-6077 Green - **Bowtie**
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8. Disconnect switch UL Outdoor rated toggle type w/ neoprene boot per NEC 600-6
9. Primary electrical feed in UL conduit / customer supplied UL junction box
10. Transformers within UL enclosure (removable lid), 1/4" x 1" min screws
11. 2" X 2" X 3/16" Galvanized mounting clips w/ mounting hardware: 3/8" Thru Bolts



1/4" Drain holes at bottom of letter cans (2) per letter

Section @ LED Channel Letter Wall Sign
Scale: N.T.S.



Client: Krispy Kreme
Site #: KKR-572
Address: 4624 South Mason Street
Fort Collins, CO 80525

REVISION INFO

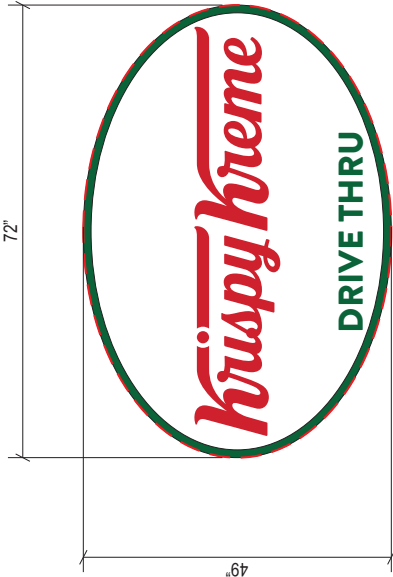
07/06/2022 Original Renderings

GO	Added canopies to elevations & Signs to Front Elevation
GO	Added roadway callout, canopy color & updated callout box size callouts
DA	Added Sign F.J. and K
KB	Updated square footage for menu boards

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AnchorSign.
1 . 8 0 0 . 2 1 3 . 3 3 3 1

Sign J	Krispy Kreme
Type:	New Lexan Panel w/ Applied Vinyl
Actual Size:	49" X 72"
Square Footage:	19.02 [Footprint]

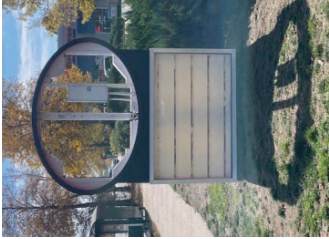


Panel Replacement on Existing D/F Monument
QTY: 2

Scale: 1/2" = 1'-0"

Specifications:
1. New 3/16" white lexan panel
2. First surface applied vinyl to match:
<div> <div></div> <div>3M 3630-6077 Green</div> </div> <div> <div></div> <div>3M 3630-2506 Red</div> </div>
3. Existing Retainers

Existing



Proposed



Client: Krispy Kreme
Site #: KKR-572
Address: 4624 South Mason Street
Fort Collins, CO 80525


REVISION INFO


07/06/2022	Original Renderings	KH
10/03/2022	Added canopies to elevations & Signs to Front Elevation	GO
10/05/2022	Added roadway callout, canopy color & updated callout box size callouts	GO
12/13/2022	Added Sign F, J, and K	DA
12/16/2022	Updated square footage for menu boards	KB

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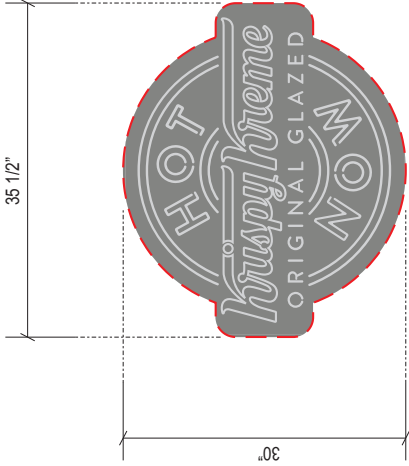
Sign K	Krispy Kreme
Type:	Hot Light Sign on Backer Panel
Illumination:	Internally Illuminated w/ LEDs
Square Footage:	5.33 [Footprint]



Electrical Detail:
White LEDs - Sloan Prism Nano (X) 60w Transformer @ 1.1 amps Total Amps: X.X (2) 20 amp 120V Circuit Req.


Electrical Detail:
Red LEDs - GE Edge Strips (X) 60w Transformer @ 1.1 amps Total Amps: X.X (2) 20 amp 120V Circuit Req.


General Notes:
This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.
1) Grounded and bonded per NEC 600.7/NEC 250
2) Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps
3) Sign is to be UL listed per NEC 600.3
4) UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer*
*For multiple signs, a disconnect is permitted but not required for each section



Hotlight Sign on D/F Monument Panel
QTY: 2
Scale: 3/4" = 1'-0"

Specifications:
1. Existing Facade: Aluminum Backer
2. .063 Aluminum letter returns welded to .125" Aluminum back, painted [TBD by Store Type]. Sealed w/ VOC compliant 360 white latex caulk
3. Red LEDs - Entire face w/ HOT NOW baffled White LEDs - Krispy Kreme Original Glazed Bands
4. .125" routed aluminum face painted [TBD by Store Type] w/ 1" lip #8 pan head screws to returns
5. 1/2" Clear push thru acrylic copy w/ 1/4" reveal and sanded back
Krispy Kreme - first surface applied vinyl to match [TBD by Store Type]
6. Transformers within UL enclosure (removable lid), 1/4" x 1" min screws
7. Primary electrical feed in UL conduit / customer supplied UL junction box
8. Mounting hardware: to suit



Client: Krispy Kreme
Site #: KKR-572
Address: 4624 South Mason Street
Fort Collins, CO 80525

REVISION INFO

Original Renderings
07/06/2022
10/03/2022
10/05/2022
12/13/2022
12/16/2022

Added canopies to elevations & Signs to Front Elevation
GO
Added roadway callout, canopy color & updated callout box size callouts
GO
Added Sign F.J. and K
DA
Updated square footage for menu boards
KB

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1.800.213.3331

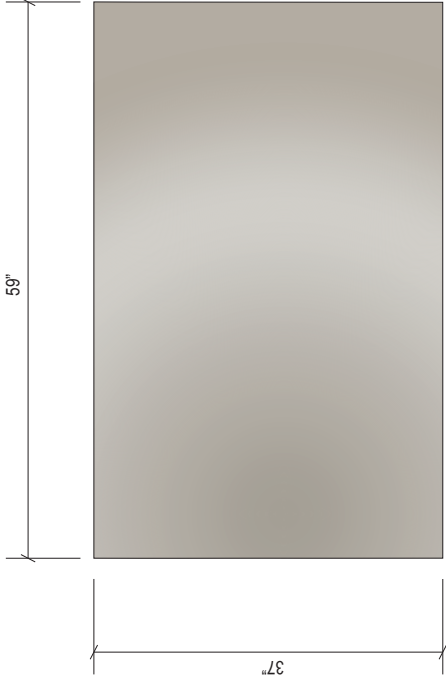


Existing



Proposed

Sign K	Krispy Kreme
Type:	Hot Light Sign on Backer Panel
Illumination:	Internally Illuminated w/ LEDs
Square Footage:	5.33 [Footprint]



Monument Panel
QTY: 2 Scale: 3/4" = 1'-0"

Specifications:

1. New aluminum backer panel painted [TBD by Store Type]



Existing



Proposed



Client: Krispy Kreme
 Site #: KKR-572
 Address: 4624 South Mason Street
 Fort Collins, CO 80525

REVISION INFO	
07/06/2022	Original Renderings
10/03/2022	Added canopies to elevations & Signs to Front Elevation
10/05/2022	Added roadway callout, canopy color & updated callout box size callouts
12/13/2022	Added Sign F, J, and K
12/16/2022	Updated square footage for menu boards

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1.800.213.3331

STAFF REPORT

January 12, 2023

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA220038

PROJECT DESCRIPTION

Address: 307 Wayne St.
Owner: Dan Walter & Carolyn Schultz-Walter
Petitioner: Jeffrey J. Schneider, Contractor, Armstead Construction
Zoning District: N-C-L
Code Section: 4.7(D)(3) & 4.7(E)(3)
Project Description:

This is a request for 2 variances:

1. Request for a new addition to encroach 5-feet into the required 15-foot rear setback and the open staircase to encroach and additional 5ft.
2. Request to exceed the maximum floor area on the rear half of the lot by 628 square feet. The maximum allowed on the rear half of the lot is 468 square feet.

COMMENTS:

1. Background:

The property is a part of the Prospect Place annexation and subdivision. The original lot extended from Akin Ave to the Alley. It was split into two parcels. It is unclear when the two parcels were created. However, the existing houses on both parcels were built in 1925 and were addressed from Wayne Street.

The shape of the parcel is more square in comparison with the rest of the block. This unique shape creates a shallow depth and results in a large portion of the house being in the rear half of the lot. The lot size is also significantly smaller than the minimum lot size in the current zone district. The subject parcel is 3,571 sf. in size and current standard is a minimum of 6,000 sf. in size. Additionally, the existing house encroaches 6.3' into the 15' required rear-yard setback and the open deck encroaches 10.3'.

2. Applicant's statement of justification: See petitioner's letter.

3. Staff Conclusion and Findings:

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public good.
- The lot size is significantly smaller in size within the context of neighborhood and the required minimum for the N-C-L zone district.
- The unique shape of the lot results in the more of the primary house to be in the rear-half of the property.
- The existing house and attached deck encroach into the setback.

Therefore, the variance requests may be granted due to a hardship of the lot not caused by the applicant and a strict application of the code results in a practical difficulty upon the applicant.

4. Recommendation:

Staff recommends approval of APPEAL ZBA220038.



Application Request for Variance from the Land Use Code

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Zoning Board of Appeals shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner's Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	307 Wayne Street	Petitioner's Name, if not the Owner	Jeffrey J. Schneider
City	Fort Collins, CO	Petitioner's Relationship to the Owner is	Contractor
Zip Code	80521	Petitioner's Address	PO Box 330 LaPorte, CO 80535
Owner's Name	Dan Walter & Carolyn Schultz-W	Petitioner's Phone #	970-472-1113
Code Section(s)	4.7 D(3) & 4.7 E (3)	Petitioner's Email	Jeff@armsteadconstruction.com
Zoning District	NCL	Additional Representative's Name	
Justification(s)	1. Hardship	Representative's Address	
Justification(s)	2. Equal to or better than	Representative's Phone #	
Justification(s)	Additional Justification	Representative's Email	
Reasoning If not enough room, additional written information may be submitted	See Attcahement		

Date 12-10-22

Signature Jeffrey J. Schneider



12-10-2022

City of Fort Collins
Land Use Review Commission
281 North College Avenue
Fort Collins, CO 80524

RE: Variance Request for 307 Wayne Street

To Whom it May Concern,

On behalf of my clients Dan Walter and Carolyn Schultz-Walter, I am requesting a variance to the Land Use Code to section 4.7(D)(3) and section 4.7(E)(3) regarding the allowable rear half allowable floor area and the rear setback. My clients would like to remove the existing attached garage and add a larger garage along with a home office above the new garage.

We believe that the claim for Hardship is justified for 4.7(D)(3) since the existing lot is more of a square shape instead of a normal rectangle and we will not exceed the overall allowable square footage with the new addition. We also believe the claim for Hardship is justified for 4.7(E)(3) since the existing home is already in nonconformance with the rear set back and our project is not reducing the rear setback than what exists currently.

We believe that the claim for Nominal and Inconsequential is justified for 4.7(E)(3) exists because, the existing structure and rear setback have been in non-conformances for decades.

We respectfully ask that the commission grant us the variance to section 4.7(D)(3) and 4.7(E)(3) as we try to obtain a permit for a new home office space and larger garage.

Thank you for the consideration and we appreciate your time on this variance request.

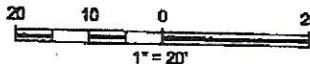
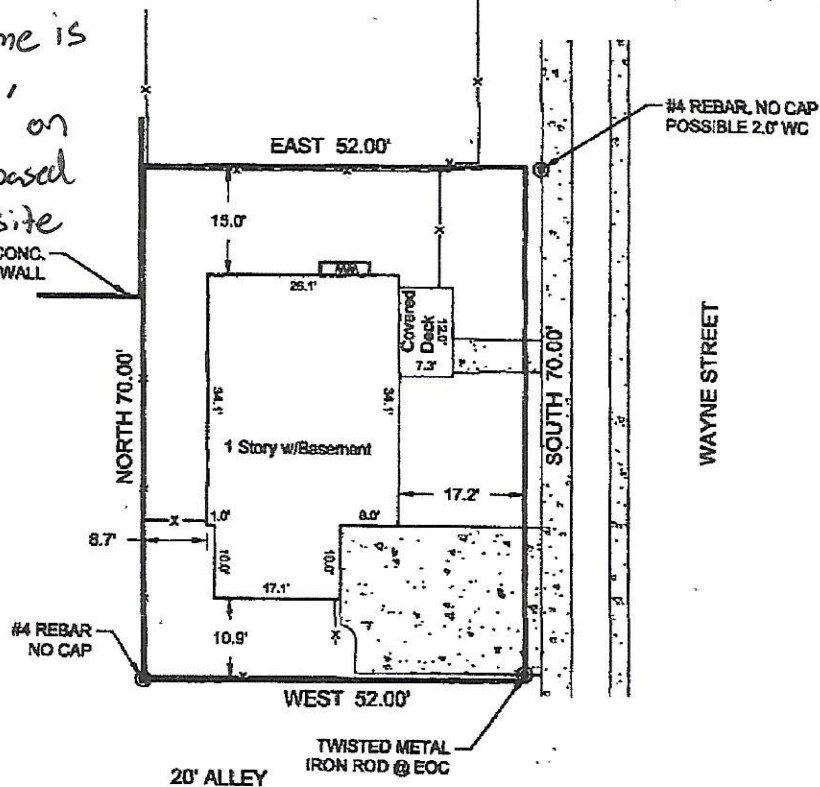
Sincerely,

Jeffrey J. Schneider
President, Armstead Construction, Inc.

LEGAL DESCRIPTION: SOUTH 70.00' AND EAST 52.00' OF LOT 1, BLOCK 3,
PROSPECT PLACE, CITY OF FORT COLLINS,
COUNTY OF LARIMER, STATE OF COLORADO,
ADDRESS: 307 WAYNE STREET

B 1800270

Current home is
4- 753 g' on
rear 1/2 based
on this site
plan.



LEGEND

⊙ = FOUND CORNER AS
DESCRIBED

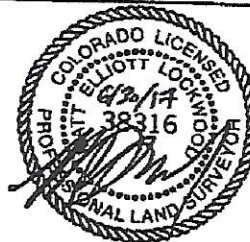
WW = WINDOW WELL

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR TRAVIS MCKENZIE, 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 EASE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THAT IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE: JUNE 28, 2017, 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 CROSSINGS OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF THE CERTIFICATION SHOWN HEREON.

NOTICE: ALL BEARINGS, DISTANCES, AND EASEMENTS ARE PER THE SUBDIVISION PLAT UNLESS OTHERWISE NOTED.



MATTE LOCKWOOD
COLORADO P.L.S. NO. 38318

TRAVIS MCKENZIE

PROSPECT PLACE



**NORTHERN
ENGINEERING**

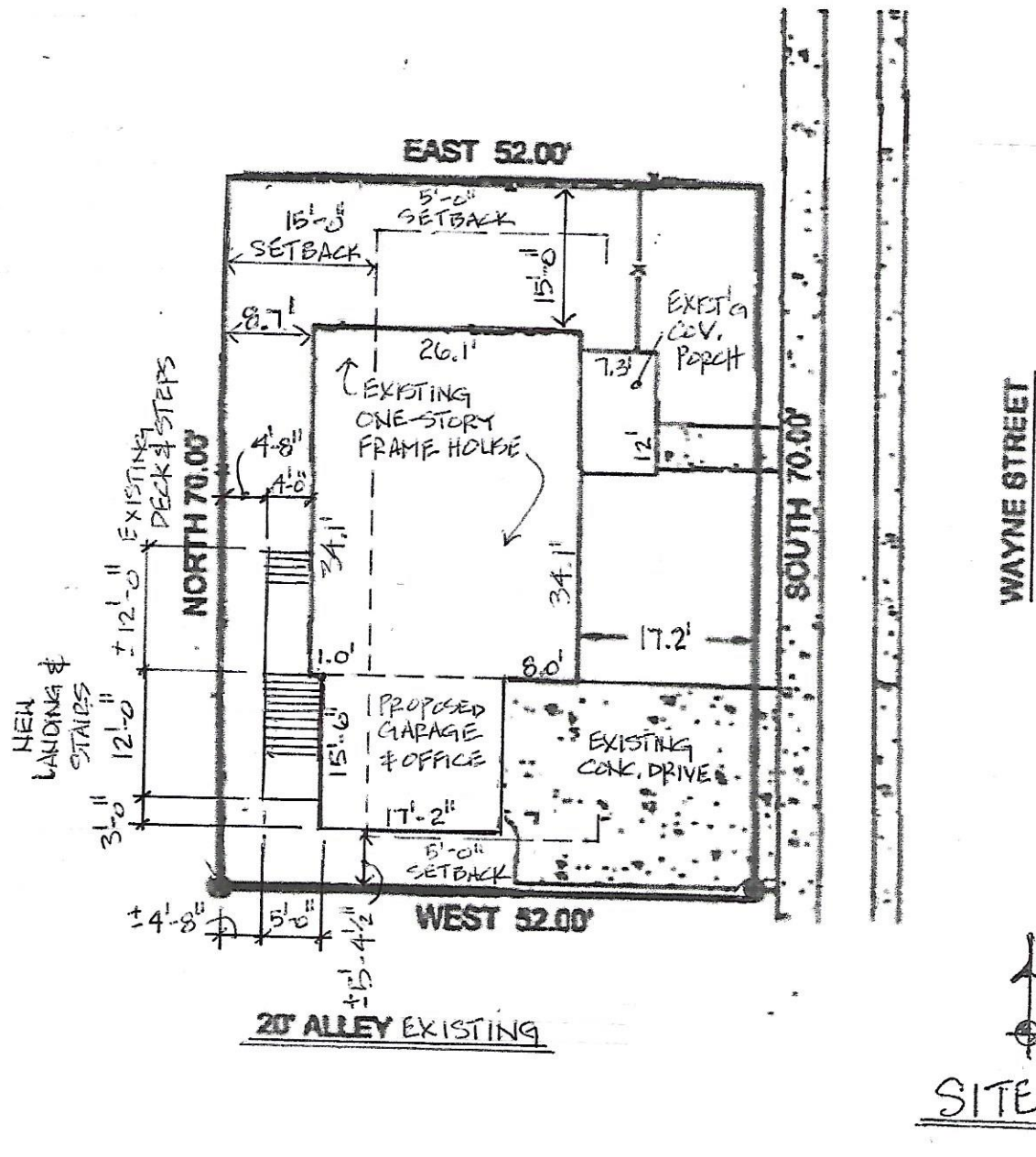
PORT CHARLOTTE 304 North Howard Street, Box 122 CHARLOTTE 870.221-4125

No.	REVISION	BY	DATE
-----	----------	----	------

PROJECT #: 919-005

DRAWN BY: MAK

DATE: 06/30/17



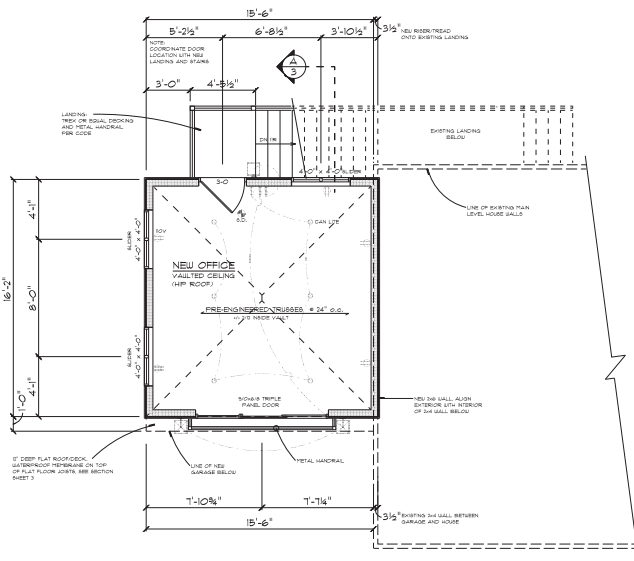
SITE PLAN
1"=20'-0"

PROPERTY ADDRESS:

307 WAYNE ST.
FORT COLLINS, COLO 80521
LOT 1, BLOCK 3, PROSPECT PLACE

DATE: 11-11-22

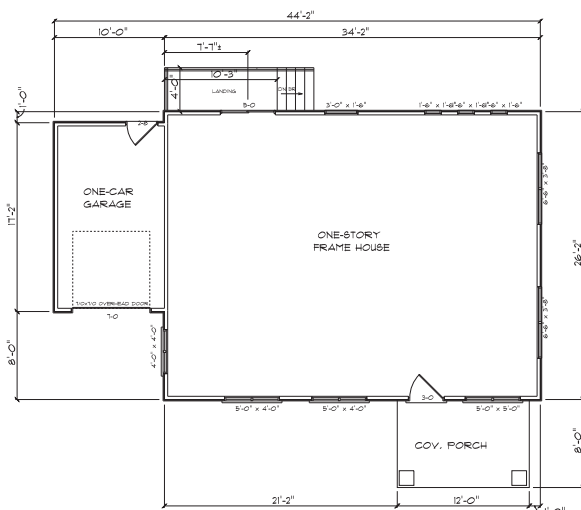
ARMSTEAD CONSTRUCTION INC
375 E. HORSETOOTH RD. BLDG 4
SUITE 102
FORT COLLINS, COLO 80525
TEL: (970) 472-1113



OFFICE ADDITION
UPPER LEVEL FLOOR PLAN

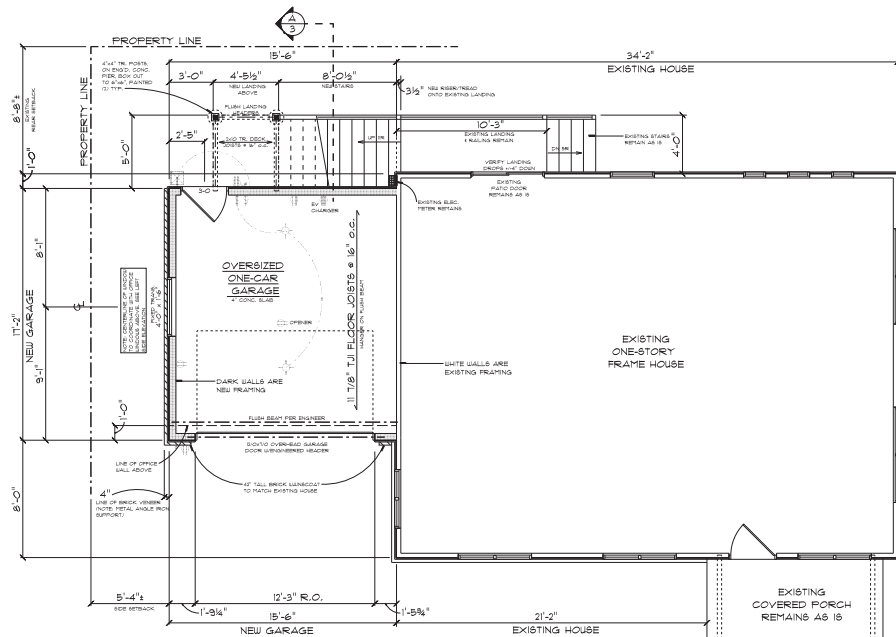
255 S.F.

SCALE: 1/4" = 1'-0"



EXISTING
MAIN LEVEL FLOOR PLAN

SCALE: 3/16" = 1'-0"

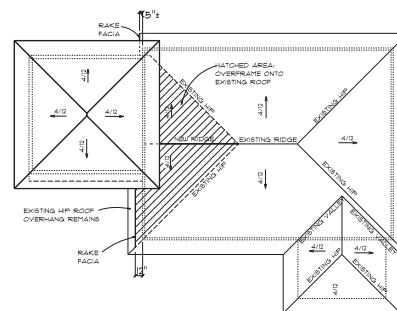


GARAGE ADDITION
MAIN LEVEL FLOOR PLAN

266 S.F.

SCALE: 1/4" = 1'-0"

NOTE: SEE ENGINEERED FOUNDATION PLANS
FOR CONCRETE FROST WALLS, SLAB, AND
ALL STRUCTURAL BEARING



BIRD'S EYE ROOF PLAN

SCALE: 1/8" = 1'-0"

FOR REFERENCE ONLY:
SEE ENGINEERED DRAWINGS FOR TRUSS SPECS
AND COMPLETE LAYOUT WITH CONNECTIONS

GENERAL NOTES:

DIMENSIONS ARE FROM ROUGH STUD FACE TO ROUGH STUD FACE.

FOUNDATION, ALL STRUCTURAL BEARING AND ROOF TRUSS SYSTEM TO BE PRE-ENGINEERED FOR LOCAL CODE.

ANGLES ARE 45 DEGREES UNLESS NOTED OTHERWISE.

PLAN CONSTRUCTION TO COMPLY WITH ALL LOCAL BUILDING CODES IN EFFECT AT TIME OF PERMIT SUBMITTAL.

ALLOWABLE FLOOR AREA CALCS

GENERAL INFORMATION:

LOT SIZE: 50'x17' = 3,744 S.F.
REAR HALF OF LOT = 1,872 S.F.
50% OF REAR HALF OF LOT = 936 S.F.
EXISTING HOUSE TOTAL SQ.FT. = 890 S.F.
EXISTING ATTACHED GARAGE SQ.FT. = 175 S.F.
EXISTING HOUSE + GARAGE IN REAR HALF OF LOT = 1,065 S.F.

PROPOSED TOTALS FOR LOT:
EXISTING HOUSE = 890 S.F.
NEW ATTACHED GARAGE TOTAL = 360 S.F.
NEW OFFICE ABOVE GAR. TOTAL = 255 S.F.
TOTAL SQ. FT. = 1,505 S.F.

NEW PROPOSED TOTALS IN REAR HALF OF LOT:

EXISTING HOUSE = 890 S.F.
NEW GARAGE = 360 S.F.
NEW OFFICE = 255 S.F.
TOTAL IN REAR HALF = 1,505 S.F.

NOTE: VARIANCE REQUIRED DUE TO ATYPICAL PROPERTY SHAPE AND SIZE AND LOCATION OF EXISTING HOUSE ON LOT

APPROVED:

DRAWN BY:

DATE:

OFFICE:

FAX:

EMAIL:

ARMSTEAD CONSTRUCTION INC.
375 E. HUNTERBOOTH RD.
BLDG 4 SUITE 102
FORT COLLINS, COLO 80525

ARMSTEAD CONSTRUCTION INC.
"Building Dreams"

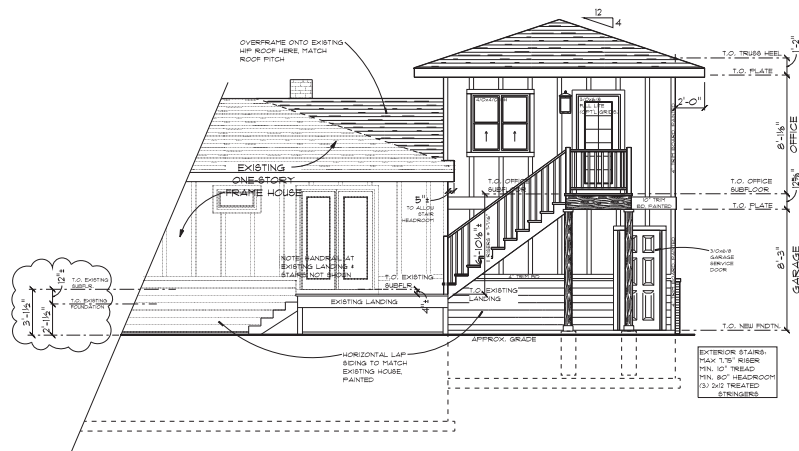
ADDITIONAL INFORMATION

WALTER OFFICE & GARAGE ADDITION
307 WAYNE STREET
FORT COLLINS, COLO 80521

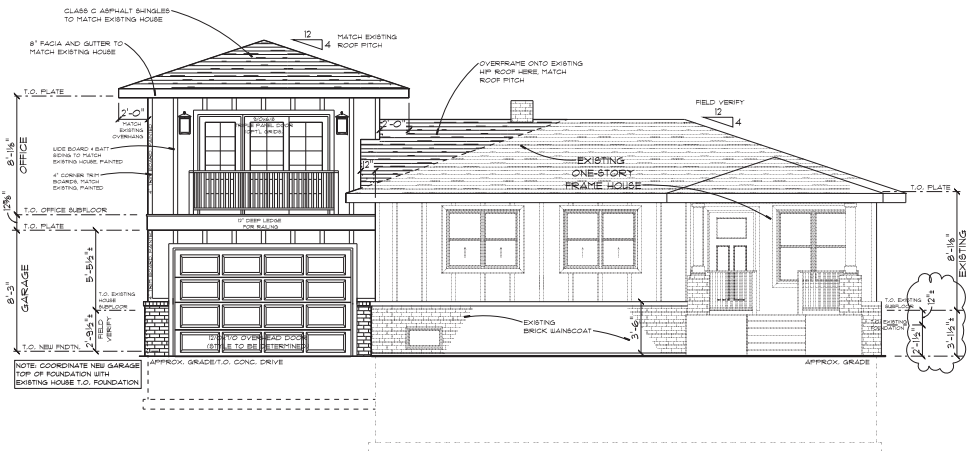
SHEET:

1

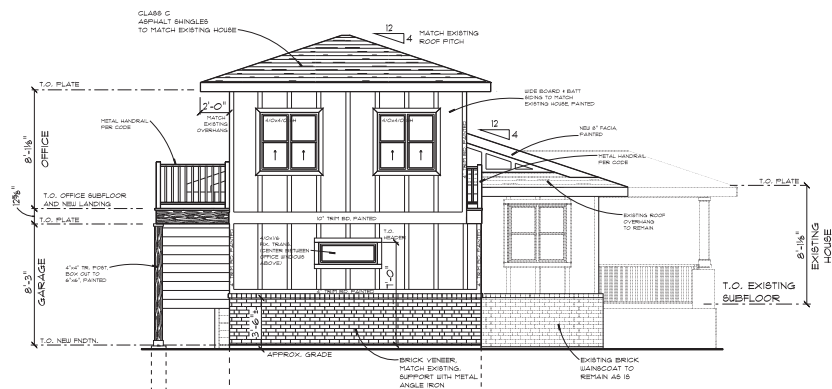
3



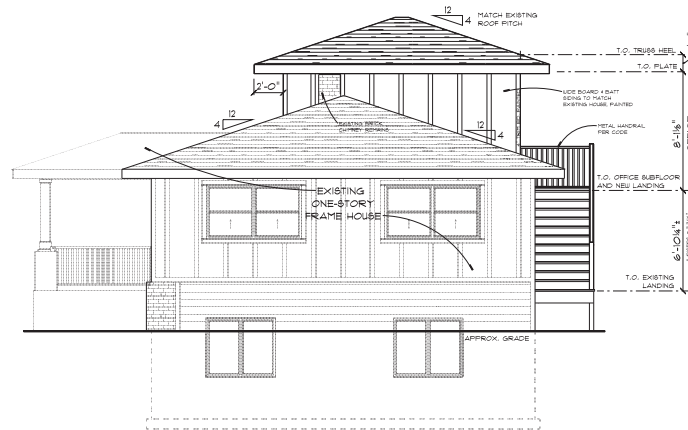
REAR ELEVATION
WEST
SCALE: 1/4" = 1'-0"



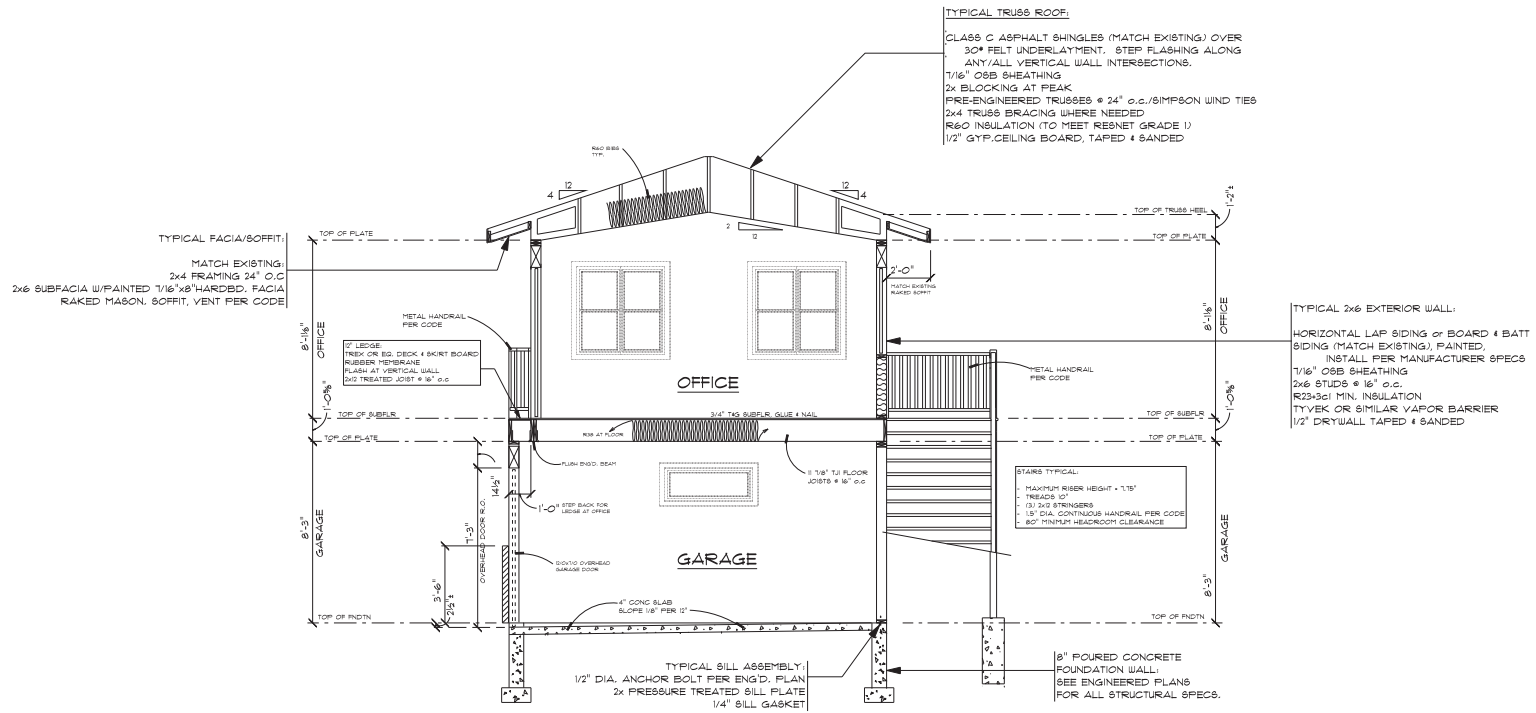
FRONT ELEVATION
EAST
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION
SOUTH
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
NORTH
SCALE: 1/4" = 1'-0"



BUILDING SECTION A

SC. 3/8" = 1'-0"

SHEET:

3

3

WALTER OFFICE & GARAGE ADDITION
 ADDITIONAL INFORMATION
 507 WAYNE STREET
 FORT COLLINS, COLO. 80521

ARMSTEAD CONSTRUCTION INC.
 "Building Dreams"

375 E. HORSESHOE RD.
 BLDG 4 SUITE 102
 FORT COLLINS, COLO. 80525
 OFFICE: (970) 472-1113
 FAX: (970) 472-8313
 EMAIL: info@armsteadconstruction.com

DATE: 11.9.22
 12-14-22 rev. basement/grade
 DRAWN BY: JLD
 APPROVED:

STAFF REPORT

January 12, 2023

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA220039

PROJECT DESCRIPTION

Address: 305 Park St.
Owner: Dan MacKinnon
Petitioner: Jeffrey J. Schneider, Contractor, Armstead Construction
Zoning District: N-C-M
Code Section: 4.8(D)(5)
Project Description:

This is a request to exceed the maximum square footage for an accessory building with habitable space by 67 square feet. The maximum floor area for an accessory building with habitable space is 600 square feet.

COMMENTS:

1. Background:

The property is part of the Capital Hill annexation and subdivision. The original primary structure was built in 1924. It is unclear when the accessory building was constructed.

The existing garage is to be removed. It currently is a one-story structure and encroaches into the required 5-foot north side-yard setback 3.3 feet.

The proposed garage is roughly the same size in footprint. The additional square footage is being added through an upper story. Per code only 267 square feet of the upper story is defined as floor area. The proposed structure meets the required setbacks and does not exceed the allowable floor area for the entire lot or the rear-half of the lot.

2. Applicant's statement of justification: See petitioner's letter.

3. Staff Conclusion and Findings:

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public good.
- The proposed structure increases compliance with required setbacks.
- The proposed structure complies with the maximum building height.
- The additional 67 square feet is an 11% increase of the allowed floor area.

Therefore, the variance requests will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code contained in Section 1.2.2

4. Recommendation:

Staff recommends approval of APPEAL ZBA220039.



Application Request for Variance from the Land Use Code

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Zoning Board of Appeals shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner's Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	305 Park Street	Petitioner's Name, if not the Owner	Jeffrey J. Schneider
City	Fort Collins, CO	Petitioner's Relationship to the Owner is	Contractor
Zip Code	80521	Petitioner's Address	PO Box 330 LaPorte, CO 80535
Owner's Name	Dan MacKinnon	Petitioner's Phone #	970-472-1113
Code Section(s)	4.8(D)(5)	Petitioner's Email	Jeff@armsteadconstruction.com
Zoning District	NCM	Additional Representative's Name	
Justification(s)	3. Nominal and inconsequential <input type="button" value="v"/>	Representative's Address	
Justification(s)	2. Equal to or better than <input type="button" value="v"/>	Representative's Phone #	
Justification(s)	Additional Justification	Representative's Email	
Reasoning If not enough room, additional written information may be submitted	See attachment		

Date 12-10-22

Signature Jeffrey J. Schneider



12-10-2022

City of Fort Collins
Land Use Review Commission
281 North College Avenue
Fort Collins, CO 80524

RE: Variance Request for 305 Park Street

To Whom it May Concern,

On behalf of my client Dan MacKinnon, I am requesting a variance to the Land Use Code to section 4.8(D)(5) regarding the allowable detached structure to be no more than 600 square feet. My client would like to construct a new detached two car garage approximately 667 square feet in size with 400 square feet on the main floor and 267 square feet of second floor habitable space, to be in the rear half of the property. My client would like to deconstruct the existing garage of 399 square feet and construct a new 667 square foot detached garage.

We believe that the claim for Equal to or better than is justified by removing the existing structure that is not on structural foundations and building a new detached garage that complies with the current building codes and standards is equal to or better than the existing structures.

We believe that the claim for Nominal and Inconsequential exists because, there has been detached structure on the property for decades. Adding a new detached garage in the same location as the previous structures would not change the character of the existing neighborhood.

We respectfully ask that the commission grant us the variance to section 4.8(D)(5) as we are requesting to allow a new detached garage to be 667 square feet instead of the allowable 600 square feet.

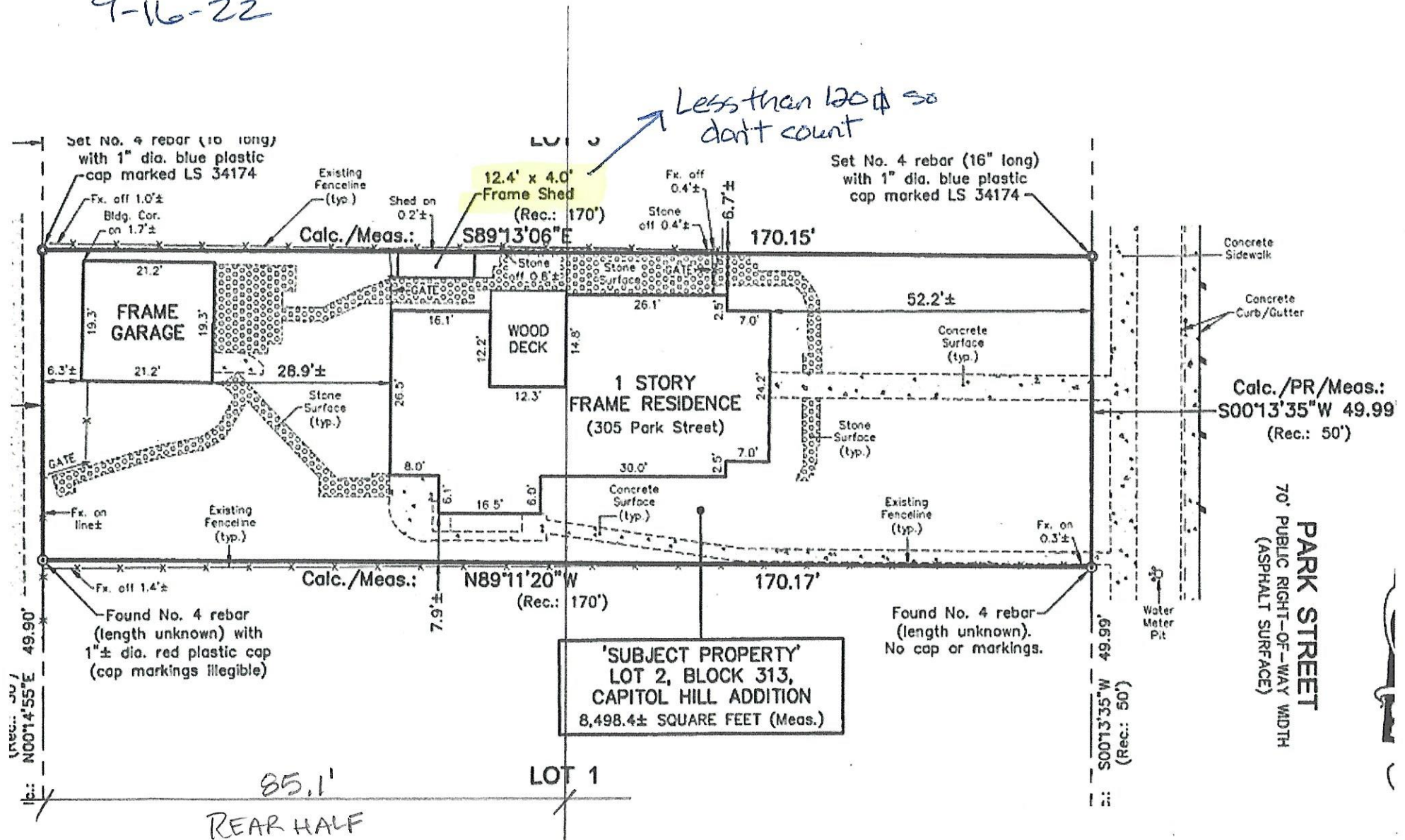
Thank you for the consideration and we appreciate your time on this variance request.

Sincerely,

Jeffrey J. Schneider
President, Armstead Construction, Inc.

DAN MACKINNON

9-16-22



$$33\% \text{ of } 4,249.2\text{¢} = 1,402.24 \text{ max}$$

$$\text{Existg House} = 713.50$$

$$\text{Proposed Gar \& Upper} = 674$$

$$1,387.50\text{¢}$$

$$+6 \times 16.5 = 99$$

$$+12\text{¢} \text{ Lawn Addition}$$

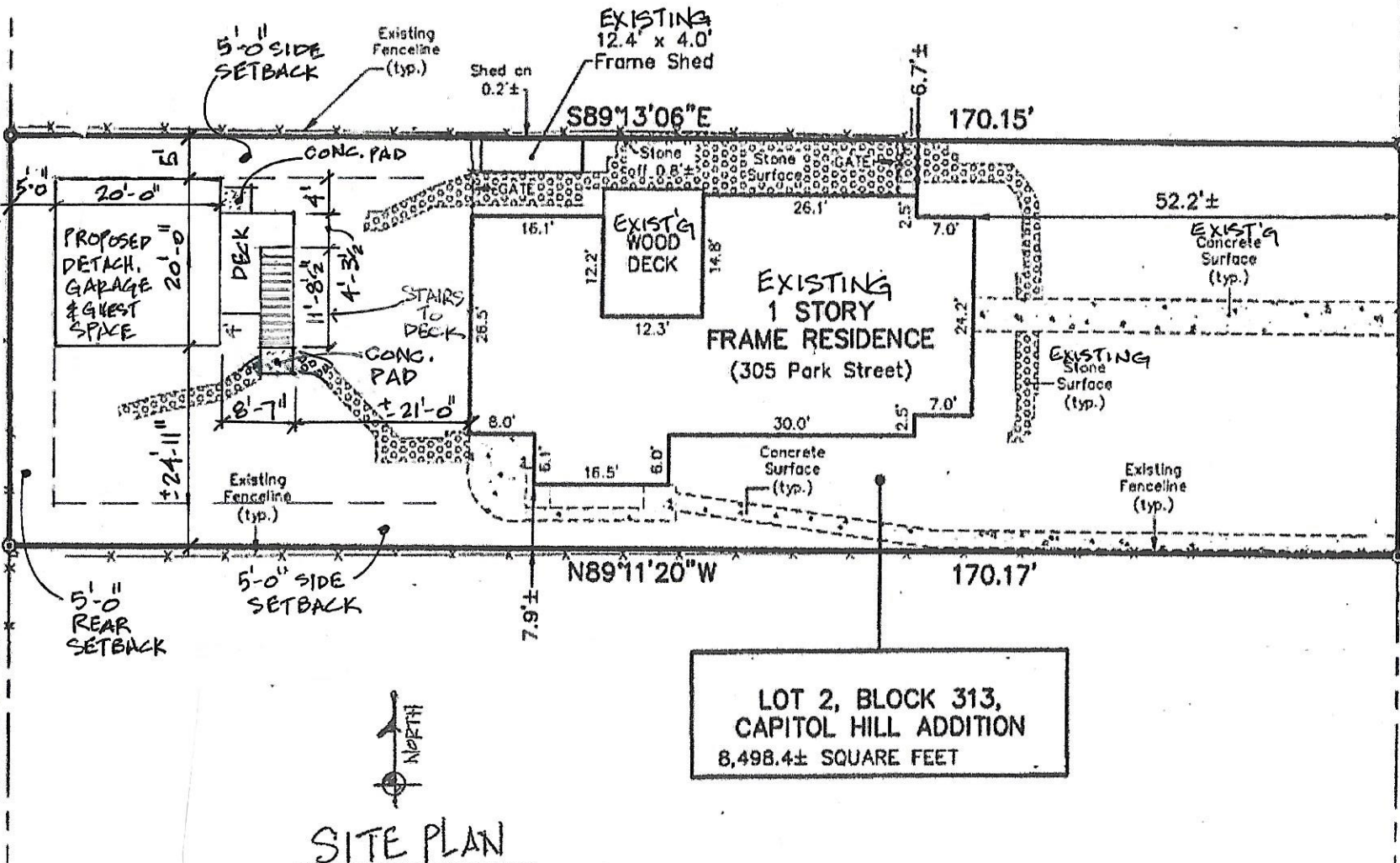
$$+26.5 \times 28.4 = 752.6$$

$$-12.2 \times 12.3 = 150.1$$

$$713.50\text{¢} \text{ Existg House in Rear}$$

EXISTING ALLEY

N00°14'55"E 49.90'



PARK STREET
70' PUBLIC RIGHT-OF-WAY WIDTH
(ASPHALT SURFACE)

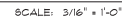
DATE: 11-15-2022

ARMSTEAD CONSTRUCTION INC
375 E. HORSETOOTH RD. BLDG 4
SUITE 102
FORT COLLINS, CO 80525
TEL: (970) 472-1113

PROPERTY ADDRESS:
305 PARK ST.
FT. COLLINS, CO 80521



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

ALLOWABLE FLOOR AREA CALC.

GENERAL INFORMATION:

LOT SIZE 8,498.4 sq ft
THRUWAY ALLOWED ON LOT IS 35% OF 8,498.4 sq ft
8,498.4 x .000 = 1,000 x 3.14 x .4 = 1,256 sq ft

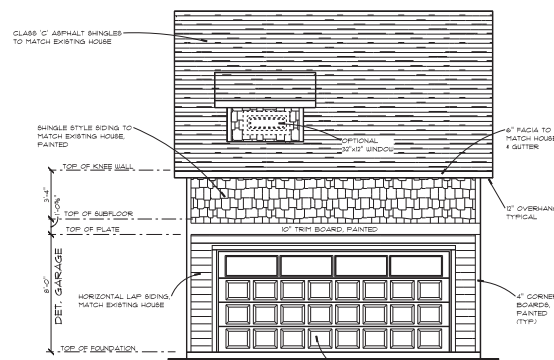
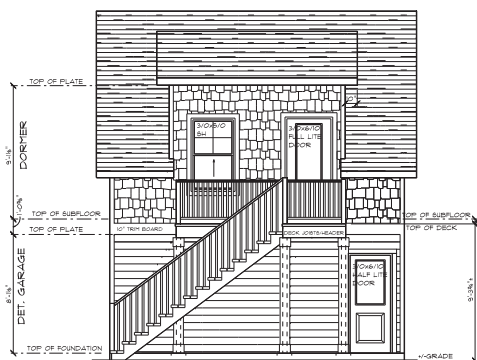
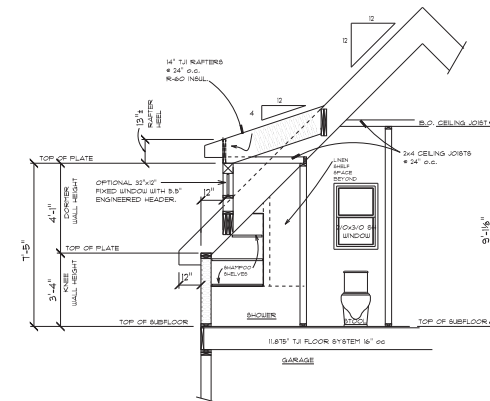
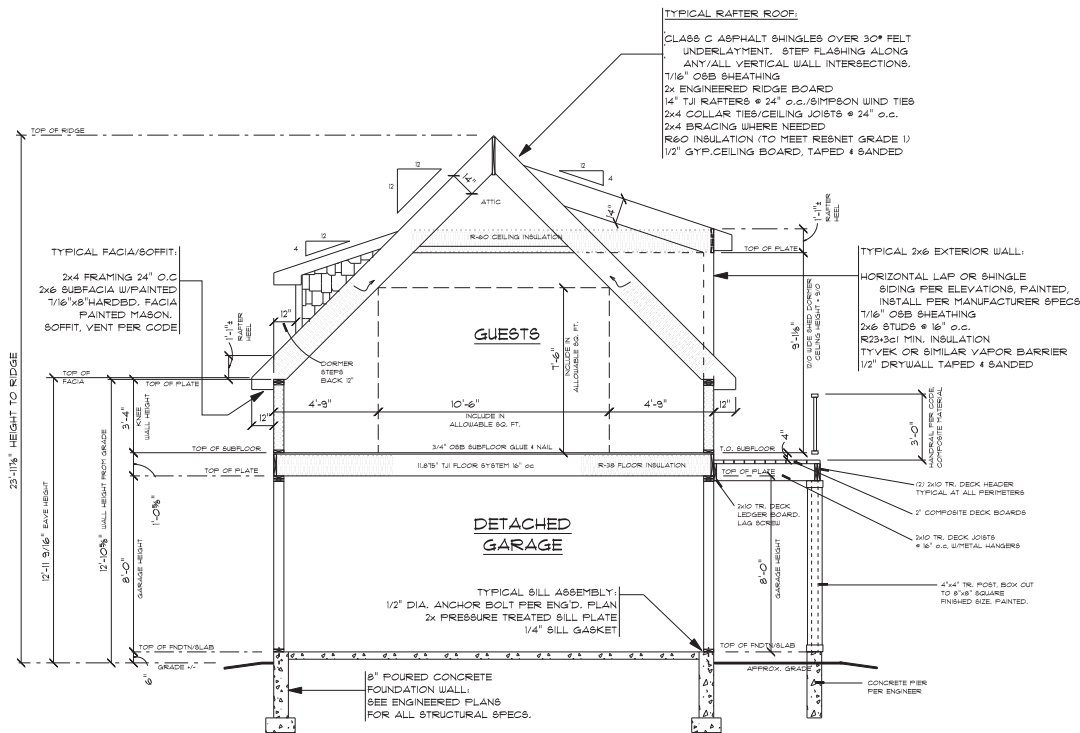
REAR HALF OF LOT 1,256 sq ft
35% REAR HALF OF LOT 1,402 sq ft
EXISTING HOUSE 1,020 sq ft
EXISTING HOUSE HALF OF LOT 510 sq ft
REAR HALF OF LOT 1,144 sq ft

NET PROPOSED TOTALS FOR LOT:

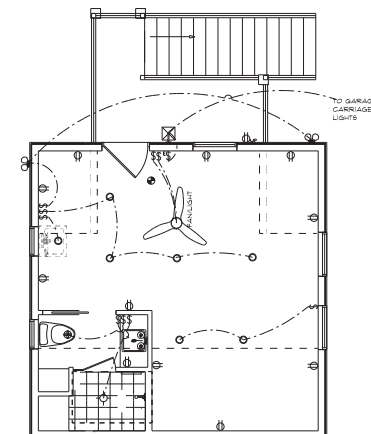
EXISTING HOUSE 1,020 sq ft
NET DETACHED GARAGE 400 sq ft
NET GUEST HOUSE WITH GAR. 560 sq ft
TOTAL SQ. FT. 2,040 sq ft

NET PROPOSED TOTALS IN REAR HALF OF LOT:

EXISTING HOUSE IN REAR HALF 510 sq ft
NET DETACHED GARAGE 400 sq ft
NET GUEST HOUSE (11'4" TALLER) 560 sq ft
TOTAL IN REAR HALF 1,510 sq ft



ELECTRICAL	SYMBOL
ceiling fan	
chandelier	
dim light	
fluorescent light	
exterior light	
fan	
light	
outlet	
outlet 220v	
outlet gh	
outlet wp	
switch	
switch 3 way	
switch 4 way	
wall mounted	
undercabinet light	
smoke/CO detector	
security light	
motion sensor	



STAFF REPORT

January 12, 2023

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA220040

PROJECT DESCRIPTION

Address: 301 E Stuart St.
Owner: Trinity Lutheran Church
Petitioner: Katie Barron, Sign Committee Chairperson
Zoning District: L-M-N
Code Section: 3.8.7.1(J)(2)(b)(1)
Project Description:

This is a request to replace an existing primary detached sign with a new sign that will have an electronic messaging center display. The new sign will be 69 feet from the residential property to the north, and 81 feet from the residential property to the east. Signs containing an electronic messaging center display must be located 100 feet from the nearest residential property.

COMMENTS:

1. Background:

The property is part of the 1957 South College Avenue Consolidated annexation. It later received development approval in 1970 part of the Trinity subdivision. A ground sign on the east side of the property was installed in 1997. It is unclear the number of changes to ground sign have occurred since initial approval.

Electronic messaging Center (EMC) signs are required to 100ft from residential uses. The proposal includes removing the existing ground sign and installing a new sign that has an EMC. This location is less than 100ft from three residential properties to the north addressed 400, 404 and 408 E Stuart Street. The property to the East addressed 419 E Stuart Street is not a residential property.

In general sign regulations are design to reduce sign clutter, unnecessary distraction and limit impacts of non-residential uses.

2. Applicant's statement of justification: See petitioner's letter.

3. Staff Conclusion and Findings:

Under Section 2.10.4(H), staff recommends denial and finds that:

- The request is at least 30% deviation from the standard.
- The sign can be setback further south to comply with the setback. Insufficient evidence has been provided in establishing a unique hardship to the property.
- Insufficient evidence has been provided in showing how the proposal supports the standards in a way equally well or better than a proposal that complies with the standard.

4. Recommendation:

Staff recommends denial of APPEAL ZBA220040.



Application Request for Variance from the Land Use Code

The Land Use Review Commission has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Land Use Review Commission shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Commission may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Land Use Review Commission may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner's Representative must be present at the meeting

Location: 300 LaPorte Ave, City Hall Council Chambers

(instructions will be emailed to the applicant the Monday prior to the hearing)

Date: Second Thursday of the month **Time:** 8:30 a.m.

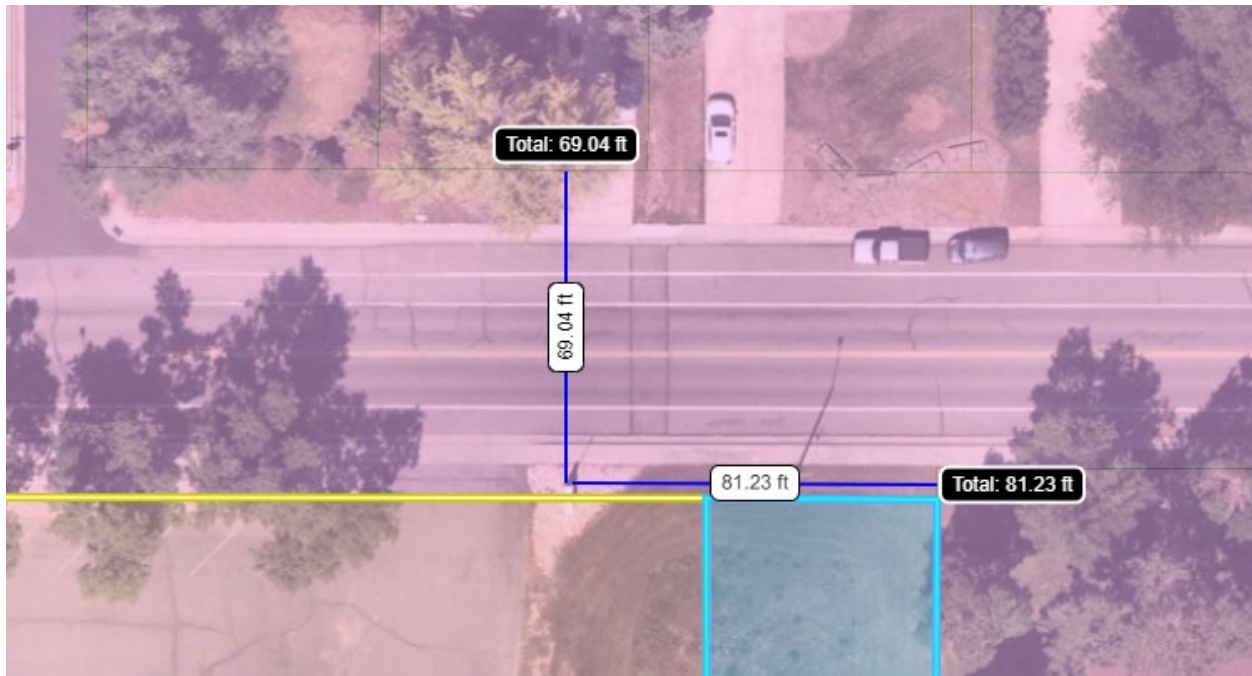
Variance Address	301 Stuart Steet	Petitioner's Name, if not the Owner	Katie Barron
City	Fort Collins, CO	Petitioner's Relationship to the Owner is	Sign Committee Chairman
Zip Code	80525	Petitioner's Address	4003 Sunstone Way
Owner's Name	Trinity Lutheran Church	Petitioner's Phone #	520-256-5524
Code Section(s)	3.8.7.1 (J)(2) Electronic Mess Ct	Petitioner's Email	barronkt@hotmail.com
Zoning District	Residential Sign District	Additional Representative's Name	
Justification(s)	Choose One from List #3	Representative's Address	
Justification(s)	Additional Justification	Representative's Phone #	
Justification(s)	Additional Justification	Representative's Email	
Reasoning	WRITTEN STATEMENT EXPLAINING THE REASON FOR THE VARIANCE REQUEST REQUIRED VIA SEPARATE DOCUMENT.		

Date

12/12/22

Signature

Katie Barron



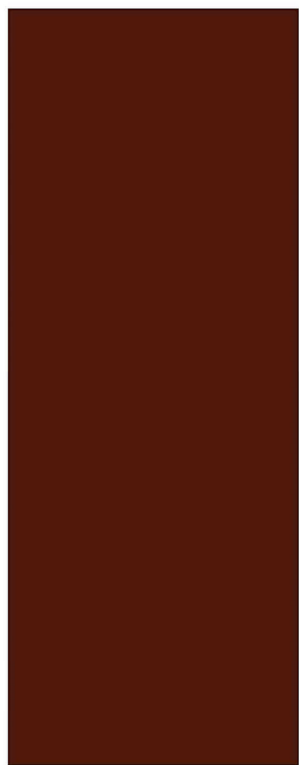
The existing sign for Trinity Lutheran Church is located at the East driveway on Stuart Street. The sign has been there for more than 18 years. Currently, there are three additional organizations that use the facilities at 301 E. Stuart: Trinity Lutheran Church, Trinity Preschool, St. Paul's Episcopal Church, and Mary of Magdala Catholic Church. Collectively, the organizations would like to have a sign that lists all the occupants as well as upgrade from a changeable letter board to a digital sign that can be programmed remotely to display various events and activities for the location.

The existing sign sits 69 feet from the property line of the North neighbor at 404 E. Stuart and 81 feet from the property line of the East neighbor, Mountain Kid's. City code stipulates that a digital sign—electronic message centers (EMC)—must be a distance of 100 feet.

On behalf of the organizations at 301 E. Stuart, I would like to request a variance for distance that would allow a new replacement sign, that meets all code requirements, be allowed to be placed in the existing sign's location. We are aware that the existing sign—thus the new proposed sign—resides in the right-of-way, and may be required to be relocated at any time by the city.

The neighbors at 404 E. Stuart and 419 E. Stuart have been presented with our request for a distance variance and have given their endorsement to both replace the sign and install an EMC. Their signatures are attached to the application.





24"

Side

57"

80"



Faces

31.6 sq'

Customer:
301 Faith Partners

Project:
Exterior Mounument Sign /
double sided

Date: 12/02/2022

Details:

Electronic Message Center
Color programmable 12mm
75 9/16"W x 28.5"T/ Double
Sided
RGB 60x180 12mm
automatic dimmable LED display

Aluminum cabinet with textured
(stucco like) finish painted to
match brick facade of building.

Lower tenant panels
.040 Aluminum panels
Dark Bronze finish with cut vinyl
lettering.

Unlit or lighting TBD based on
code

Owner/Agent Approval:

As owner/agent of this property, I approve this sign as defined in this document.

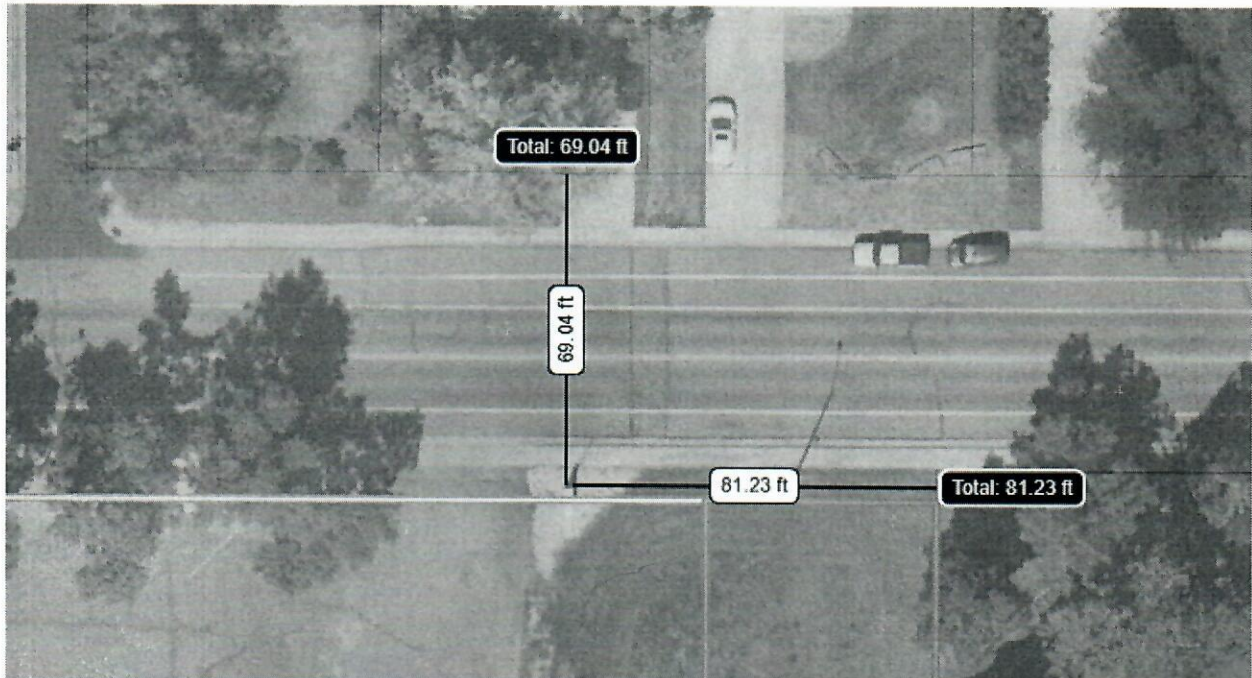
Print Name: _____ Signed: _____ Date: _____

Address: _____ Phone: _____

Email: _____

Connecting
Signs 

970.493.0133 | 2643 Midpoint Dr. Suite A | Fort Collins, CO 80525 | connectingsigns.com



The existing sign for Trinity Lutheran Church is located at the East driveway on Stuart Street. The sign has been there for more than 18 years. Currently, there are three additional organizations that use the facilities at 301 E. Stuart: Trinity Lutheran Church, Trinity Preschool, St. Paul's Episcopal Church, and Mary of Magdala Catholic Church. Collectively, the organizations would like to have a sign that lists all the occupants as well as upgrade from a changeable letter board to a digital sign that can be programmed remotely to display various events and activities for the location.

The existing sign sits 69 feet from the property line of the North neighbor at 404 E. Stuart and 81 feet from Mountain Kid's, the property line of the East neighbor. City code stipulates that a digital sign—electronic message centers (EMC)—must be a distance of 100 feet.

On behalf of the organization at 301 E. Stuart, I would like to request a variance for distance that would allow a new replacement sign, that meets all code requirements, be allowed to be placed in the existing sign's location.

The neighbors at 404 E. Stuart and 419 E. Stuart have been presented with our request for a distance variance and have given their endorsement to both replace the sign and install an EMC.

404 E. Stuart Street

Owner ☒

Renter ☐

Theodor K. K. K.

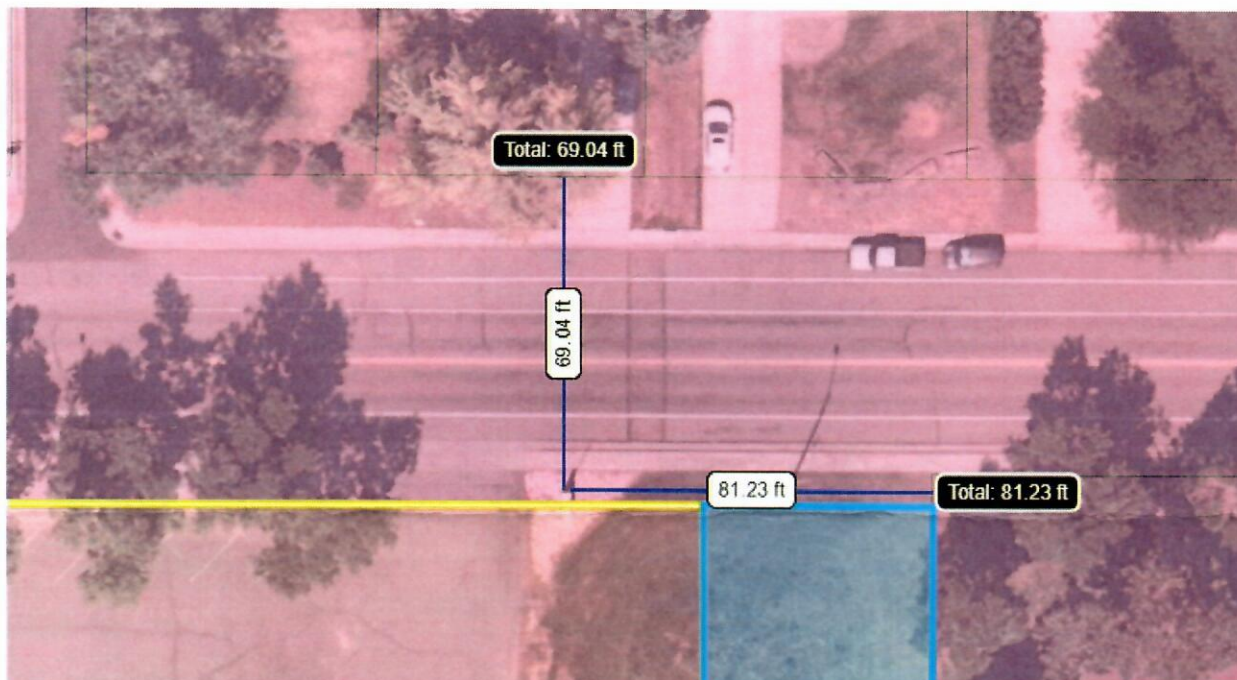
[Signature]

12-11-22

Printed Name

Signature

Date



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The neighbors at 404 E. Stuart and 419 E. Stuart have been presented with our request for a distance variance and have given their endorsement to both replace the sign and install an EMC.

419 E. Stuart Street

Owner ☐

Renter ☐

Manager ☒

Dorise Schmidt
Printed Name

[Signature]
Signature

12-9-2022
Date

Mountain Kids
419 E. Stuart St.
Fort Collins, CO 80525
www.mountain-kids.com

From: [Noah Beals](#)
To: [Kory Katsimpalis](#)
Subject: FW: [EXTERNAL] Appeal ZBA220040
Date: Tuesday, January 3, 2023 9:31:02 AM

-----Original Message-----

From: Cathy Berg <caberg49@gmail.com>
Sent: Saturday, December 31, 2022 5:38 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Appeal ZBA220040

Dear Mr. Beals,

I'm writing concerning a letter I received in the mail today about Trinity Lutheran Church wanting to put up a sign with electronic messaging. The neighborhood does have single family homes and those of us who live in them would like to keep the neighborhood as family friendly as possible. The street and parking lot lights are very bright as it is. Having another lighted message, neon type sign would completely change the church's look. When the church took in two other groups it has slowly started to change the atmosphere of the original Lutheran Church. I stepped off the distance from the sign to the opposite side of the street (north of the sign) and it was 18 paces roughly 54 feet. I don't know where they get 69 feet? I feel the variance should be denied. This neighborhood is trying so hard to stay a quiet neighborhood not a crowded street with lighted signs.

Thank you for your time.

Cathy Berg
338 East Stuart Street.

Sent from my iPad

January 2nd, 2023

From: Rebecca and David H
Residents and adjacent property owners on E Stuart St
Fort Collins, CO 80525

Regarding Appeal: ZBA220040

Dear Noah Beals, Senior City Planner-Zoning,

We, as residents and adjacent residential property owners directly affected, **respectfully request that the Land Use Review Commission deny the request for a modification of the City of Fort Collins Land Use Code.** The petitioner brought forth a request to replace an existing primary detached sign with a new sign that will have an electronic messaging center (EMC) display. The new sign will be 69 feet from the residential property to the north, and 81 feet from the residential property to the east. Signs containing an EMC display must be located 100 feet from the nearest residential property (3.8.7.1(J)(2)(b)(1)).

The purposes of the land use code regulating EMCs and signs generally should be maintained:

1. (3.8.7.1(B)(1)(a)) – One general purpose is to limit signs creating visual distraction, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - a. Our family and many other resident families in the Old Prospect neighborhood cross Stuart St. nearby the proposed EMC display on the way to the local city park, Spring Park and the Spring Creek trail. There is park and trail access by bridge which requires crossing by the sign. Motorists are significantly more likely to be visually distracted by an EMC display than the current display. Thus, the EMC display significantly increases the risk of a motorist/pedestrian accident.
2. (3.8.7.1(B)(1)(c)) – Another general purpose of the regulation is to prevent the degradation of the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors.
 - a. An EMC display within 100 ft of several residential properties is expected to make the city less attractive for the residents and visitors.
 - b. Several houses have living room windows and bedroom windows directly across the street from the proposed EMC display. Notably, the bedroom window used by our 4 year old and 1 year old is expected to be directly effected by the lighting emitted from the proposed EMC display as well as fluctuation in lighting of the changing messages on the display.
 - c. Rebecca and David H also own a licensed short-term rental unit which in the adjacent property to the proposed sign. The short-term rental guests (predominantly visitors to Fort Collins) would also be negatively affected by the decreased aesthetic quality created by the EMC display.
 - d. Holding all else equal, this may decrease residential property values.
3. It's reasonable to estimate that the negative safety and aesthetic impact on residents nearby would outweigh the benefit of an EMC display for the Owner especially given that the Owner already has an illuminated sign.

The Petitioner requests a land use code modification for three reasons. We address each reason in turn:

(1) By reason of exceptional situations or circumstances, the strict application of the regulation would result in peculiar and practical difficulties or exceptional undue hardship upon the owner of the such property.

- a. As residents and adjacent property owners directly affected by the proposed EMC display, we would like to understand the nature of the claimed exceptional circumstance.
 - i. Specifically, we'd like to better understand how the owner's claimed exceptional circumstance is materially different from previous years when the owner displayed an illuminated, non-EMC display.
 - ii. Furthermore, we'd like to better understand how the owner's claimed exceptional circumstance is materially different from any other owner requesting the same modification to 3.8.7.1(J)(2)(b)(1).
- b. If the claimed exceptional circumstance is found to be arbitrary and, in fact, non-exceptional, then permitting this variance may set precedence for other such requests to be permitted, in effect creating a way for sign clutter and EMC display visual intrusiveness to a large number of adjacent residential property owners.
- c. Related to the increased safety hazard discussed above, the Spring Park and Spring Creek Trail access by pedestrian bridge requires pedestrians to cross Stuart (a Collector street) near the proposed EMC display. The number of pedestrians accessing the park and trail system via this route creates an *exceptional situation* in favor of maintaining the Land Use Code to limit motorist visual distractions from EMC displays.

(2) The proposal will promote the general purpose of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard for which the variance is requested.

- a. We believe this is an incorrect statement from the petitioner. EMC displays have additional regulation near residential properties precisely because they are not expected to promote the general purposes of the standard better than a non-EMC display.

(3) The proposal will not diverge from the standards of the Land Use Code except in nominal, inconsequential way when considered in the context of the neighborhood, provided that the granting of a variance would not result in a substantial detriment to the public good.

- a. The proposal does diverge from the standards in a non-nominal way in both number of residents effected and distance. Specifically, the standard limits EMC displays within 100ft from the nearest residential property. However, this proposal variance would allow an EMC display well-within 100ft from multiple residential properties (one 69 ft away, one 81ft away).
- b. As explained in the previous section, there would be a detriment created by the negative safety and aesthetic impact of the EMC display on residents nearby.

Respectfully,

David H

Please note: Rebecca and I will be out of state on January 12th on a previously scheduled trip and therefore cannot attend the public hearing at the City County Chambers.

STAFF REPORT

January 12, 2023

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA220041

PROJECT DESCRIPTION

Address: 135 Bockman Dr.
Owner: Boniuk Interests Ltd
Petitioner: Jeff Everhart, Sign Contractor, Concept Signs & Graphics
Zoning District: C-G
Code Section: 3.8.7.2 Table(B)
Project Description:

This is a request for a wall sign to exceed the maximum wall sign height by 1 foot 6 inches. The maximum wall sign height is 7 feet.

COMMENTS:

1. Background:

The property received development approval originally in 1993 part of the SHOPKO PUD. Prior to this it was annexed into the City in 1979. The development approval was for a retail building. Since original construction in 1994 it has been used by multiple tenants.

In general the sign code is to reduce sign clutter and distraction. The wall height limitations are included in these purposes. The previous tenant wall sign was also limited to 7' in height. A freestanding sign would be allowed along the S College Ave frontage and previous tenants have enjoyed such a sign.

Additionally, in November of last year the applicant received approval for wall signs on the east and south side of the building to be increase 1.5' in height.

2. Applicant's statement of justification: See petitioner's letter.

3. Staff Conclusion and Findings:

Under Section 2.10.4(H), staff recommends denial and finds that:

- The property is allowed a freestanding sign to increase visibility along the college frontage.
- Variances were already approved for the sides that did not have a freestanding sign.
- The deviation is 21% increase in height.
- Insufficient evidence has been provided in showing how the proposal supports the standards in a way equally well or better than a proposal that complies with the standard.
- Insufficient evidence has been provided in establishing a unique hardship to the property.

4. Recommendation:

Staff recommends denial of APPEAL ZBA220041.



Application Request for Variance from the Land Use Code

The Land Use Review Commission has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Land Use Review Commission shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Commission may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Land Use Review Commission may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner's Representative must be present at the meeting

Location: VIRTUAL ONLY via Zoom

(instructions will be emailed to the applicant the Friday or Monday prior to the hearing)

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	135 Bockman Drive	Petitioner's Name, if not the Owner	Concept Signs & Graphics
City	Fort Collins, CO	Petitioner's Relationship to the Owner is	Sign contractor
Zip Code	80525	Petitioner's Address	3307 S College Ave, Ste 102-A2
Owner's Name	BONIUK INTERESTS LTD	Petitioner's Phone #	970-221-2627
Code Section(s)	3.8.7.2 - Permanent Signs- table B	Petitioner's Email	jeff@conceptsignco.com
Zoning District	General Commercial	Additional Representative's Name	
Justification(s)	3. Nominal and inconsequential	Representative's Address	
Justification(s)	2. Equal to or better than	Representative's Phone #	
Justification(s)	1. Hardship	Representative's Email	
Reasoning	WRITTEN STATEMENT EXPLAINING THE REASON FOR THE VARIANCE REQUEST REQUIRED VIA SEPARATE DOCUMENT.		

Date

12/12/2022

Signature

Jeff Everhart

EVERSIGN LLC 4518 W O St. Greeley, CO



City of Fort Collins Zoning
281 N College Ave
Fort Collins, CO, 80525

12/12/2022

We are requesting a variance on behalf of Mudoch's Ranch & Home Supply. They are the tenant of the building on 135 Bockman Drive formerly occupied by JCPenney. The owner of the property is Boniuk Interests Ltd. We are requesting to be allowed to exceed the 7' sign height restriction for their front sign. The board previously approved 8'6" signs on the South and East elevations to increase visibility and maintain brand cohesion. They did not allow our request for the West sign to increase to 12' height.

This revised request is simply to allow the front sign to match the previously approved signs at the 8'6" height. The distance from S College Ave and the overall size of the building are considerable and we feel it is a reasonable request with no adverse effect on the surrounding community. The Murdoch's branding is consistently an oval with their name in the middle which does affect their readability. That is their national branding and deviating from that is not desirable in order to maintain recognition and consistency.

This building frontage is over 350' from S College Ave and the building is over 300' long. A sign measuring under 125 square feet will not be a distraction to traffic at that distance. The previous sign was within the code but was significantly larger than our proposed request.

Thank you for your consideration,

Jeff Everhart
970-221-2627
jeff@conceptsignco.com



2 7 6 4 7 4 - S I G N P A C K A G E

DATE: 12.07.22

REQUISITE CHECKLIST

ALL REQUIREMENTS MUST BE MET BEFORE BEING RELEASED TO PRODUCTION

☐

SURVEY

☐

ALL VECTOR AND / OR HIGH RESOLUTION ART

*DATE CHECKED (Designer name): Joe Example 11.16.21

ART CONFIRMED BY

JAD 05.04.22

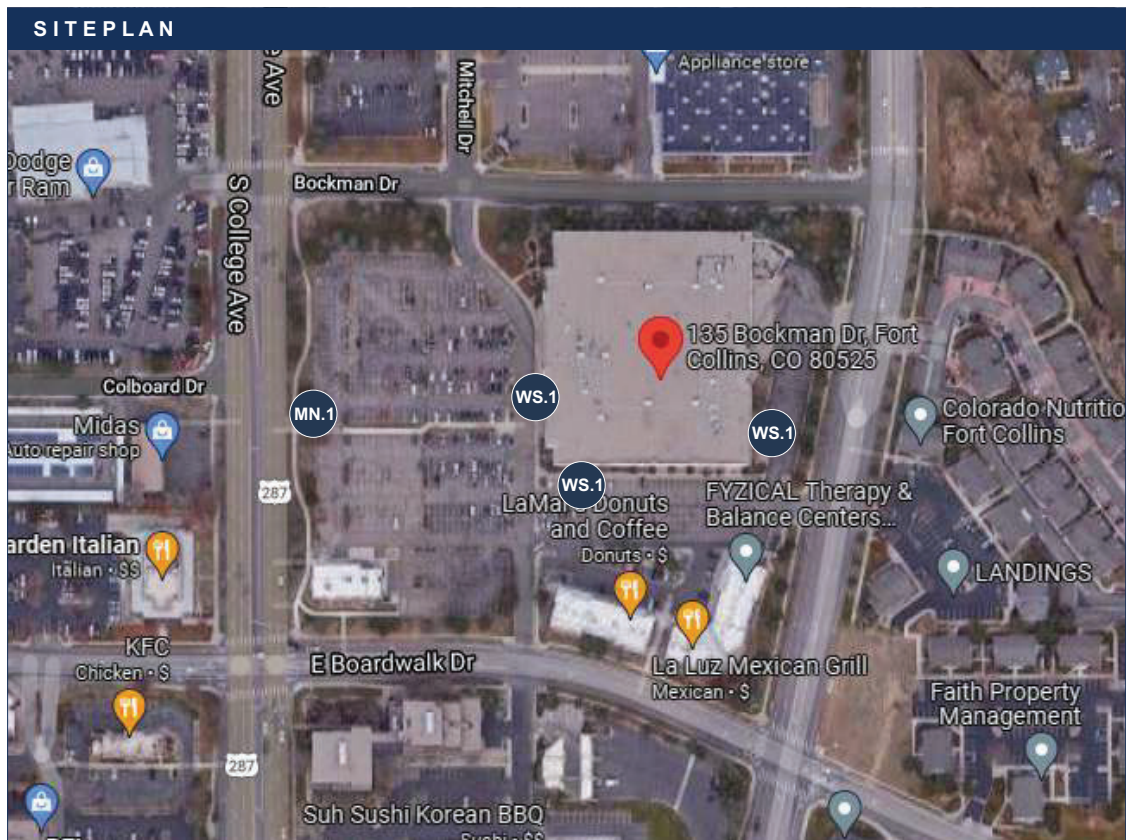
☐

ALL PAINT / VINYL / PRINT COLORS (CMYK or PMS) /
ALL STONE, BRICK, VENEER, AND FINISHES

DESIGNER NOTES

- NOTES (art received / remaining, etc.)
- NOTES
- NOTES
- NOTES
- NOTES
- NOTES

RED LINE OVER TITLE BLOCK ON DRAWING PAGES INDICATES DRAWING IS NOT READY FOR PRODUCTION - ALL TBD ITEMS MUST BE RESOLVED.

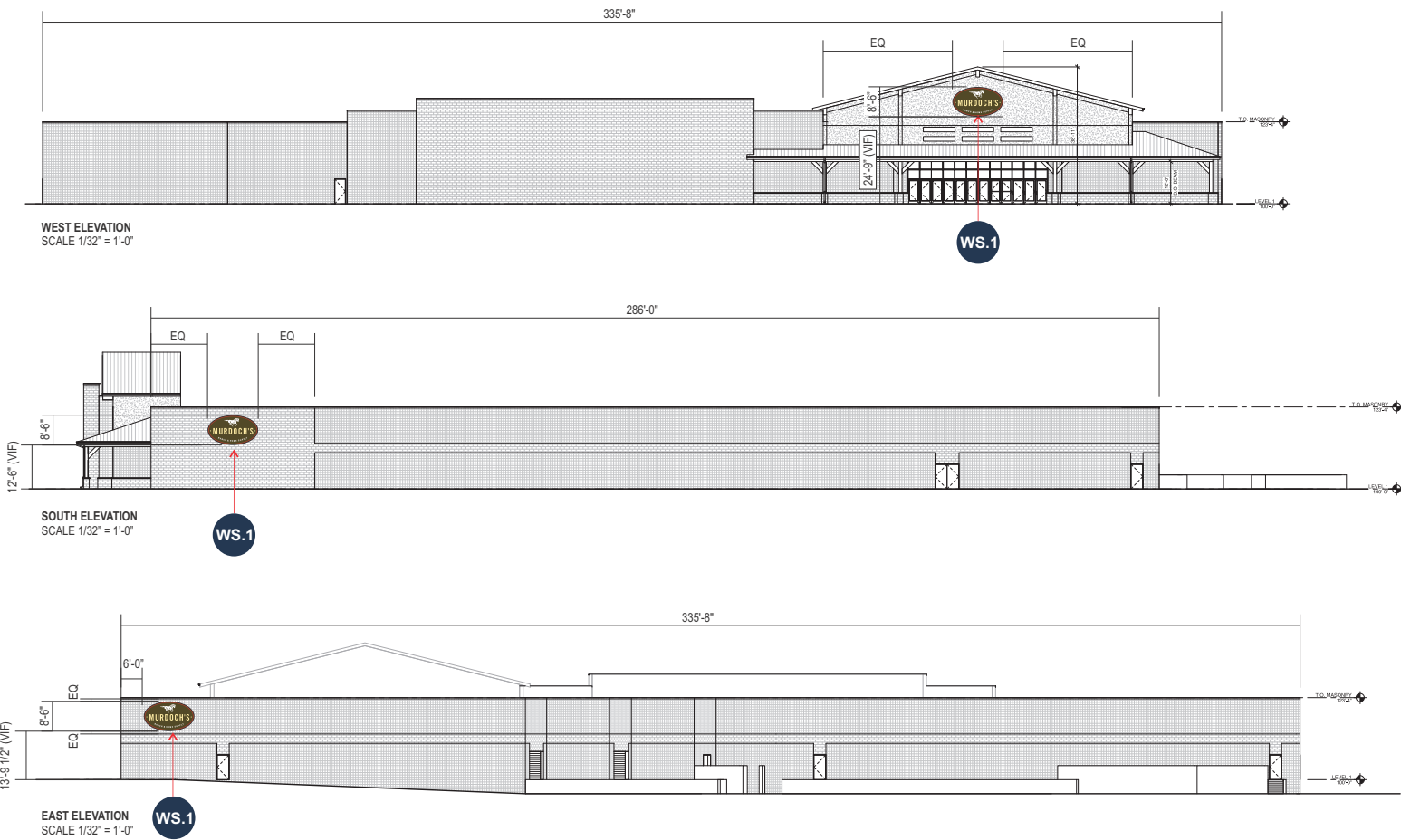


W O R K S C O P E

CODE ALLOWANCE

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ELEVATIONS



<div><div>JONES SIGN</div><div>Your Vision. Accomplished.</div><div>A MORTENSEN COMPANY</div></div>	JOB # 276474-R8	<table><tr><th>REV.</th><th>DATE</th><th>BY</th><th>DESCRIPTION</th></tr><tr><td>1</td><td>05.04.22</td><td>JD</td><td>WS.2 REVISED HEIGHT, OPT 2 MONUMENT SELECTED - CHANGE CAP TO BLACK</td></tr><tr><td>2</td><td>08.16.22</td><td>JD</td><td>JOB # CHANGED TO 276474. CHANGED HORSE AND LETTERS TO WHITE</td></tr><tr><td>3</td><td>09.01.22</td><td>SW</td><td>ADDED CONSTRUCTION DETAILS</td></tr><tr><td>4</td><td>09.23.22</td><td>SW</td><td>ADDED RECLINE DETAILS, MODIFIED MONUMENT</td></tr><tr><td>5</td><td>10.26.22</td><td>JD</td><td>ADDED ELEVATION PAGE OPTION 2 WITH SIGNS AT 7' OAH</td></tr><tr><td>6</td><td>11.14.22</td><td>JD</td><td>REMOVED SHROUD FROM MONUMENT</td></tr><tr><td>7</td><td>12.01.22</td><td>JD</td><td>REVISED WS.1 TO 86.7H</td></tr><tr><td>8</td><td>12.07.22</td><td>JMC</td><td>UPDATE FRONT STORE FRONT SIGN (WS.1) TO MATCH SIZE TO 86" X 14' 4 7/8" (WS.2)</td></tr><tr><td>9</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr><tr><td>10</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr></table>	REV.	DATE	BY	DESCRIPTION	1	05.04.22	JD	WS.2 REVISED HEIGHT, OPT 2 MONUMENT SELECTED - CHANGE CAP TO BLACK	2	08.16.22	JD	JOB # CHANGED TO 276474. CHANGED HORSE AND LETTERS TO WHITE	3	09.01.22	SW	ADDED CONSTRUCTION DETAILS	4	09.23.22	SW	ADDED RECLINE DETAILS, MODIFIED MONUMENT	5	10.26.22	JD	ADDED ELEVATION PAGE OPTION 2 WITH SIGNS AT 7' OAH	6	11.14.22	JD	REMOVED SHROUD FROM MONUMENT	7	12.01.22	JD	REVISED WS.1 TO 86.7H	8	12.07.22	JMC	UPDATE FRONT STORE FRONT SIGN (WS.1) TO MATCH SIZE TO 86" X 14' 4 7/8" (WS.2)	9	00.00.00	XX	XXXX	10	00.00.00	XX	XXXX	CLIENT APPROVAL	DATE	<div><div>MURDOCH'S</div><div>RANCH & HOME SUPPLY</div></div>	MURDOCH'S	SHEET NUMBER
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SALES REP: S. Steele	PROJ MGR: N. Wallace			FORT COLLINS, CO 80525																																															

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WS.1 NEW S/F INTERNALLY LIT CABINET SIGN (Qty 3)

SQUARE FOOTAGE: 122.45



FRONT VIEW
SCALE: 3/8" = 1'-0"



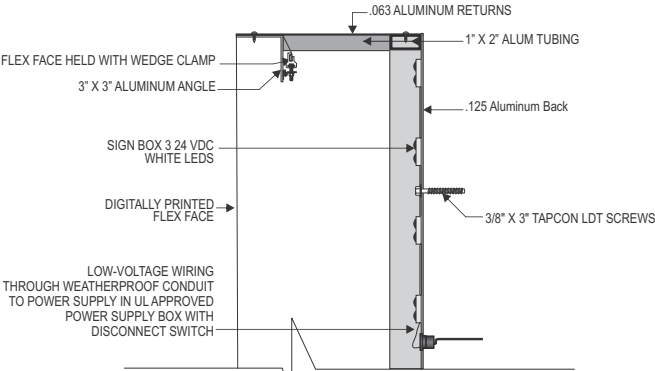
SIDE VIEW
SCALE: 3/8" = 1'-0"

SPECIFICATIONS

- 1. ALUMINUM TUBE, BUTTED & WELDED
- 2. PANAFLEX FACE DIGITALLY PRINTED FIRST SURFACE
- 3. .125" ALUMINUM BACK, CAULKED & POP-RIVETED TO FRAME
- 4. .063" PRE-FINISHED ALUMINUM SKIN AT SIDES, POP RIVETED TO FRAME P-1
- 5. 6500K SIGNBOX3 SS WHITE LED'S
- 6. LED POWER SUPPLY
- 7. TOGGLE SWITCH / SWITCH PLATE
- 8. 1" X 2" ALUMINUM SUPPORTS ON 4 FT. CENTERS
- 9. LIFTING EYEBOLT, MIN. (2) NO MORE THAN 8 FT. APART
- 10. MOUNTING HARDWARE TO SUIT FIELD CONDITIONS

COLORS / FINISHES

- P-1 PAINT BLACK SATIN
- DP-1 DIGITALLY PRINTED FLEX FACE
- WHITE
- TO MATCH PMS 1215 C
- TO MATCH PMS 174 C
- TO MATCH PMS 448 C



DETAIL VIEW
SCALE: 1 1/2" = 1'-0"



NIGHT VIEW
SCALE: 3/16" = 1'-0"

NOTES

- REMOVE AND SCRAP EXISTING WALL MOUNTED SIGN

JONES SIGN
Your Vision. Accomplished.
A MORTENSEN COMPANY

JOB # **276474-R8**
DATE: 02.02.2022
DESIGNER: J. Dowden
SALES REP: S. Steele
PROJ MGR: N. Wallace

REV.	DATE	BY	DESCRIPTION
1	05.04.22	JD	WS.2 REVISED HEIGHT; OPT 2 MONUMENT SELECTED - CHANGE CAP TO BLACK
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9	00.00.00	XX	XXXX
10	00.00.00	XX	XXXX

CLIENT APPROVAL	DATE
LANDLORD APPROVAL	DATE



MURDOCH'S
135 BOCKMAN DR.
FORT COLLINS, CO 80525

SHEET NUMBER

3.0

MN.1 D/F INTERNALLY LIT MONUMENT SIGN (Qty 1)

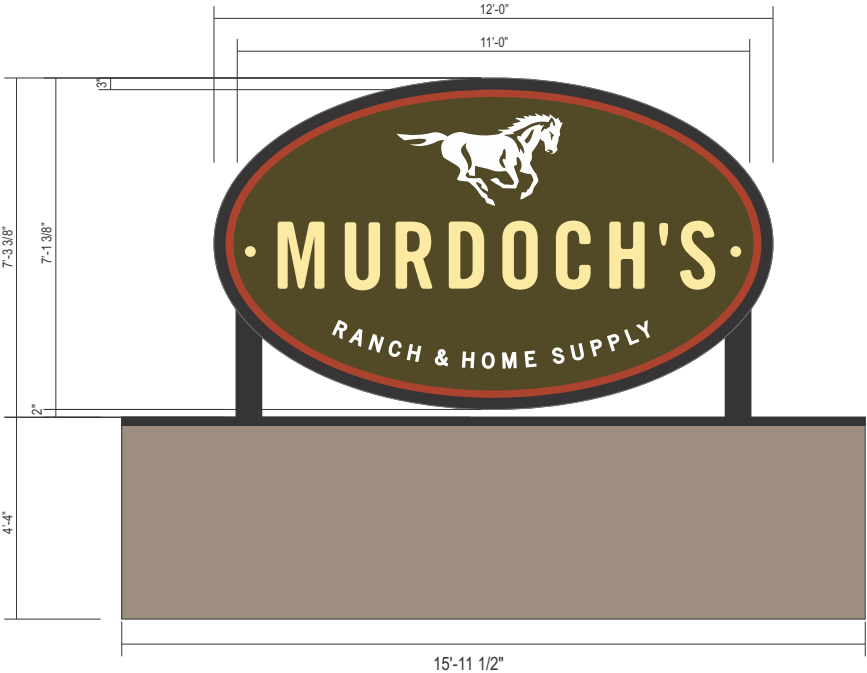
SQUARE FOOTAGE: 85.4



EXISTING



PROPOSED



FRONT / BACK VIEW
SCALE: 3/8" = 1'-0"



SIDE VIEW
SCALE: 3/8" = 1'-0"

SPECIFICATIONS

- 1. REUSE EXISTING BASE
- 2. 1" X 2" X .125" ALUMINUM TUBE FRAME
- 3. .063" ALUMINUM RETURN PTD **P-1**
- 4. PANAFLEX FACE DIGITALLY PRINTED FIRST SURFACE **DP-1**
- 5. SIGNBOX 3 6500K DS WHITE LED'S
- 6. LED POWER SUPPLY
- 7. PAINT EXISTING SCH 40 6" PIPE AND HARDWARE **P-1**
- 8. ATTACH SIGN TO EXISTING PIPES
- 9. CAP ON EXISTING BASE TO BE PAINTED **P-1**

NOTES


- REMOVE AND SCRAP EXISTING SIGN CABINET

COLORS / FINISHES

- P-1** PAINT BLACK SATIN
- DP-1** DIGITALLY PRINTED FLEX FACE
- WHITE
- TO MATCH PMS 1215 C
- TO MATCH PMS 174 C
- TO MATCH PMS 448 C



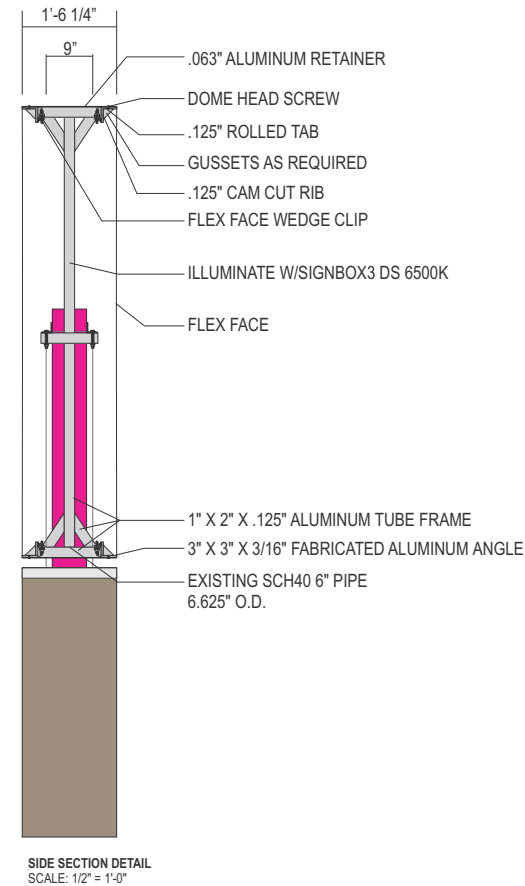
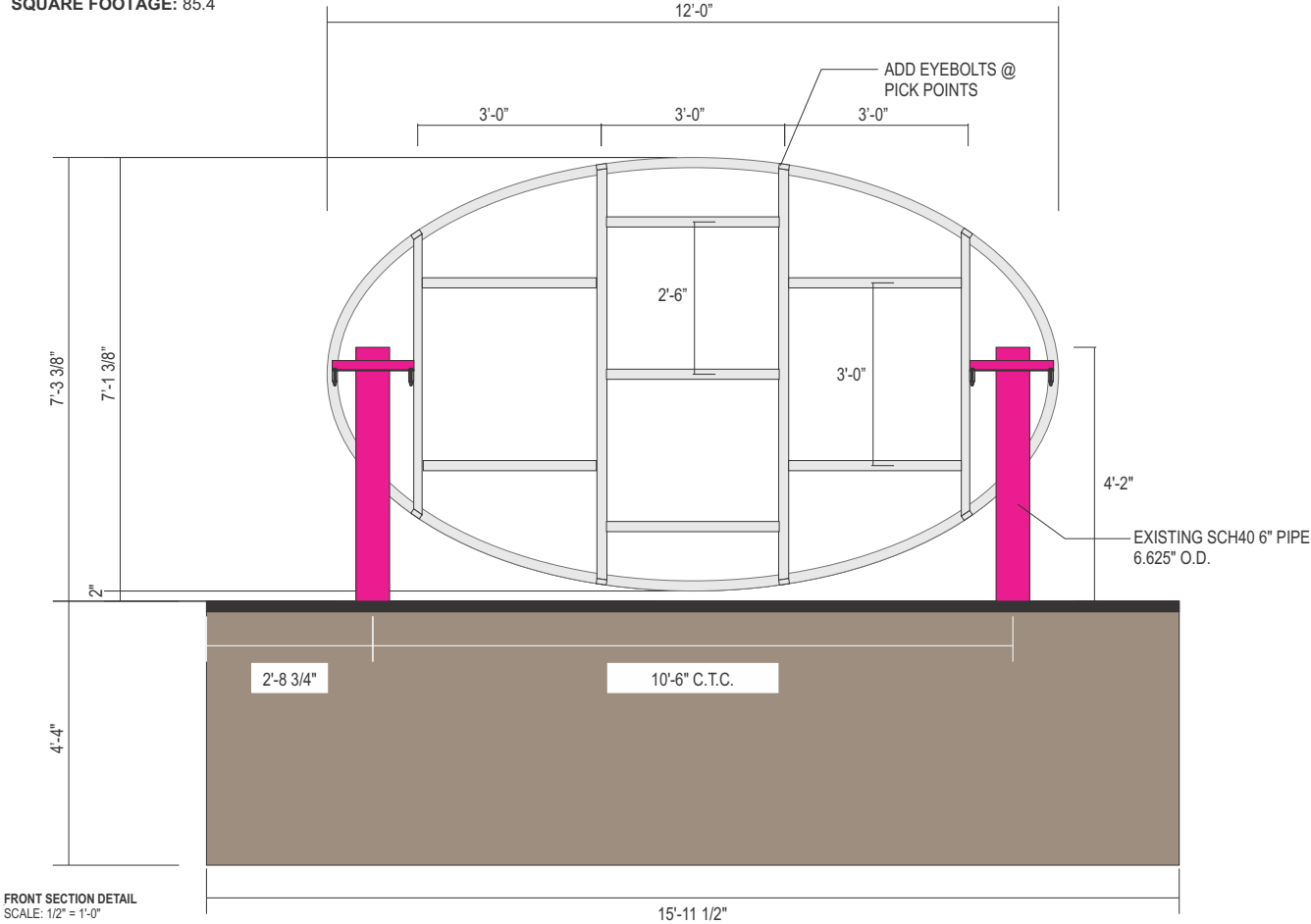
NIGHT VIEW
SCALE: 3/16" = 1'-0"


<div>JONES SIGN</div> <div>Your Vision. Accomplished.</div> <div>A MORTENSEN COMPANY</div>	JOB # 276474-R8	REV.	DATE	BY	DESCRIPTION	CLIENT APPROVAL	DATE	<div></div>	MURDOCH'S	SHEET NUMBER
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	PROJ MGR: N. Wallace	4	09.23.22	SW	ADDED RECLINE DETAILS, MODIFIED MONUMENT					
		5	10.26.22	JD	ADDED ELEVATION PAGE OPTION 2 WITH SIGNS AT 7' OAH	LANDLORD APPROVAL	DATE			
		6	11.14.22	JD	REMOVED SHROUD FROM MONUMENT					
		7	12.01.22	JD	REVISED WS.1 TO BE 7H					
		8	12.07.22	JMC	UPDATE FRONT STORE FRONT SIGN (WS.1) TO MATCH SIZE TO 86" X 14' 4 7/8" (WS.2)					
		9	00.00.00	XX	XXXX					
	10	00.00.00	XX	XXXX						

This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the express written permission of JONES SIGN, is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for client's conception of project and are not to be understood as being exact size or exact scale.

MN.1 D/F INTERNALLY LIT MONUMENT SIGN (Qty 1)

SQUARE FOOTAGE: 85.4



<div><div>JONES SIGN</div><div>Your Vision. Accomplished.</div><div>A MORTENSEN COMPANY</div></div>	<div>JOB # 276474-R8</div> <div>DATE: 02.02.2022</div> <div>DESIGNER: J. Dowden</div> <div>SALES REP: S. Steele</div> <div>PROJ MGR: N. Wallace</div>	<table><tr><th>REV.</th><th>DATE</th><th>BY</th><th>DESCRIPTION</th></tr><tr><td>1</td><td>05.04.22</td><td>JD</td><td>WS.2 REVISED HEIGHT, OPT 2 MONUMENT SELECTED - CHANGE CAP TO BLACK</td></tr><tr><td>2</td><td>08.16.22</td><td>JD</td><td>JOB # CHANGED TO 276474. CHANGED HORSE AND LETTERS TO WHITE</td></tr><tr><td>3</td><td>09.01.22</td><td>SNW</td><td>ADDED CONSTRUCTION DETAILS</td></tr><tr><td>4</td><td>09.23.22</td><td>SNW</td><td>ADDED RECLINE DETAILS, MODIFIED MONUMENT</td></tr><tr><td>5</td><td>10.26.22</td><td>JD</td><td>ADDED ELEVATION PAGE OPTION 2 WITH SIGNS AT 7' OAH</td></tr><tr><td>6</td><td>11.14.22</td><td>JD</td><td>REMOVED SHROUD FROM MONUMENT</td></tr><tr><td>7</td><td>12.01.22</td><td>JD</td><td>REVISED WS.1 TO BE 7H</td></tr><tr><td>8</td><td>12.07.22</td><td>JMC</td><td>UPDATE FRONT STORE FRONT SIGN (WS.1) TO MATCH SIZE TO 86" X 14 4 7/8" (WS.2)</td></tr><tr><td>9</td><td>01.05.00</td><td>XX</td><td>XXXX</td></tr><tr><td>10</td><td>01.05.00</td><td>XX</td><td>XXXX</td></tr></table>	REV.	DATE	BY	DESCRIPTION	1	05.04.22	JD	WS.2 REVISED HEIGHT, OPT 2 MONUMENT SELECTED - CHANGE CAP TO BLACK	2	08.16.22	JD	JOB # CHANGED TO 276474. CHANGED HORSE AND LETTERS TO WHITE	3	09.01.22	SNW	ADDED CONSTRUCTION DETAILS	4	09.23.22	SNW	ADDED RECLINE DETAILS, MODIFIED MONUMENT	5	10.26.22	JD	ADDED ELEVATION PAGE OPTION 2 WITH SIGNS AT 7' OAH	6	11.14.22	JD	REMOVED SHROUD FROM MONUMENT	7	12.01.22	JD	REVISED WS.1 TO BE 7H	8	12.07.22	JMC	UPDATE FRONT STORE FRONT SIGN (WS.1) TO MATCH SIZE TO 86" X 14 4 7/8" (WS.2)	9	01.05.00	XX	XXXX	10	01.05.00	XX	XXXX	<div>CLIENT APPROVAL</div> <div>DATE</div>	<div></div>	<div>MURDOCH'S</div> <div>135 BOCKMAN DR.</div> <div>FORT COLLINS, CO 80525</div>	<div>SHEET NUMBER</div> <div>5.0</div>
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STAFF REPORT

January 12, 2023

STAFF

Noah Beals, Senior City Planner/Zoning

PROJECT

ZBA220042

PROJECT DESCRIPTION

Address: 4114 Rolling Gate Rd.
Owner/Petitioner: Susan and Terry Gibbons
Zoning District: R-L
Code Section: 4.4(D)(2)(d)
Project Description:

This is a request for three pergolas to encroach 4.5 feet into the interior 5-foot side setback.

COMMENTS:**1. Background:**

The property was annexed into the City in 1980 part of the Horsetooth Harmony West annexation. It was later subdivided in 1996 part of the Gates at Woodridge PUD Fourth subdivision.

The request is for three pergolas to be installed 6 inches along the north side of the property. The pergolas are freestanding structures that require a 5-foot setback from the property line. The north property is also delineated by a 6-foot-tall privacy fence. The pergolas would be placed along the privacy fence. The pergolas are 2 feet taller than the fence and include a lattice within this 2-foot area.

2. Applicant's statement of justification: See petitioner's letter.**3. Staff Conclusion and Findings:**

Under Section 2.10.4(H), staff recommends approval and finds that:

- The variance is not detrimental to the public good.
- The pergolas extend 2 feet beyond the 6-foot privacy fence with semi-transparent lattices.
- Two pergolas are 7.5 feet in width and the other is 5.5 feet.

Therefore, the variance requests will not diverge from the standard but in a nominal, inconsequential way, when considered in the context of the neighborhood, and will continue to advance the purpose of the Land Use Code contained in Section 1.2.2

4. Recommendation:

Staff recommends approval of APPEAL ZBA220042.



Application Request for Variance from the Land Use Code

The Land Use Review Commission has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Land Use Review Commission shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Commission may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/applicant (i.e. not self-imposed);
- (2) the proposal will promote the general purpose of the standard for which the variance is requested **equally well or better than** would a proposal which complies with the standard for which the variance is requested;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Land Use Review Commission may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner's Representative must be present at the meeting

Location: 300 LaPorte Ave, City Hall Council Chambers

(instructions will be emailed to the applicant the Monday prior to the hearing)

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address	4114 Rolling Gate Rd.	Petitioner's Name, if not the Owner	N/A
City	Fort Collins, CO	Petitioner's Relationship to the Owner is	
Zip Code	80526	Petitioner's Address	
Owner's Name	Susan and Terry Gibbons	Petitioner's Phone #	970-215-8028
Code Section(s)	Land use code	Petitioner's Email	susanevb@gmail.com
Zoning District	Low density residential	Additional Representative's Name	
Justification(s)	Choose One from List(See attached)	Representative's Address	
Justification(s)	Additional Justification	Representative's Phone #	
Justification(s)	Additional Justification	Representative's Email	
Reasoning	WRITTEN STATEMENT EXPLAINING THE REASON FOR THE VARIANCE REQUEST REQUIRED VIA SEPARATE DOCUMENT.		

Date December 13, 2022

Signature Susan Gibbons

We submitted application B2208364 and are requesting a variance for the following reason.

We have owned and lived in the house on 4114 Rolling Gate Road since 2002. A few months ago, our new neighbors built an 8 foot tall, 100 square foot shed and placed it in the corner of their property approximately 30 inches from the property line. When the shed was built, it blocked our view of the open space behind our property. While we cannot recover the view, we are now left with a prominent view of the shed from the majority of the windows in our home and our patio is only 25 feet from the shed. As we are looking to minimize the impact of this shed on our view, we have looked at a variety of options. Because of the established landscaping, there is a 18 year old maple tree in the corner of our yard that has an extensive root system that eliminates the possibility of planting something to hide the view of the shed. We have a landscape company that offered us a solution of placing a decorative pergola next to the fence that will give us a more aesthetically pleasant view than the shed. The city requirement to place the pergola 5 feet from the fence would negate the benefit of improving the view. The windows in our house are positioned such that a pergola five feet from the fence would not accomplish the desired outcome - it would no longer block the shed. Additionally, the maple tree would be in the way.

We have applied and received HOA approval for the project as it was submitted. In fact, we received an email from them praising the design and loving the look that it will add to the neighborhood. Clearly, this change would not be detrimental to the public good - quite the contrary. It would only deviate from the land use code in an inconsequential way when considered in the context of the neighborhood.

Thank you for considering our request for a variance and we look forward to discussing it with you.

Susan and Terry Gibbons

Property Plan



Plan View



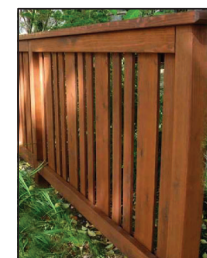
Privacy Panels & Planting



Privacy Patterns

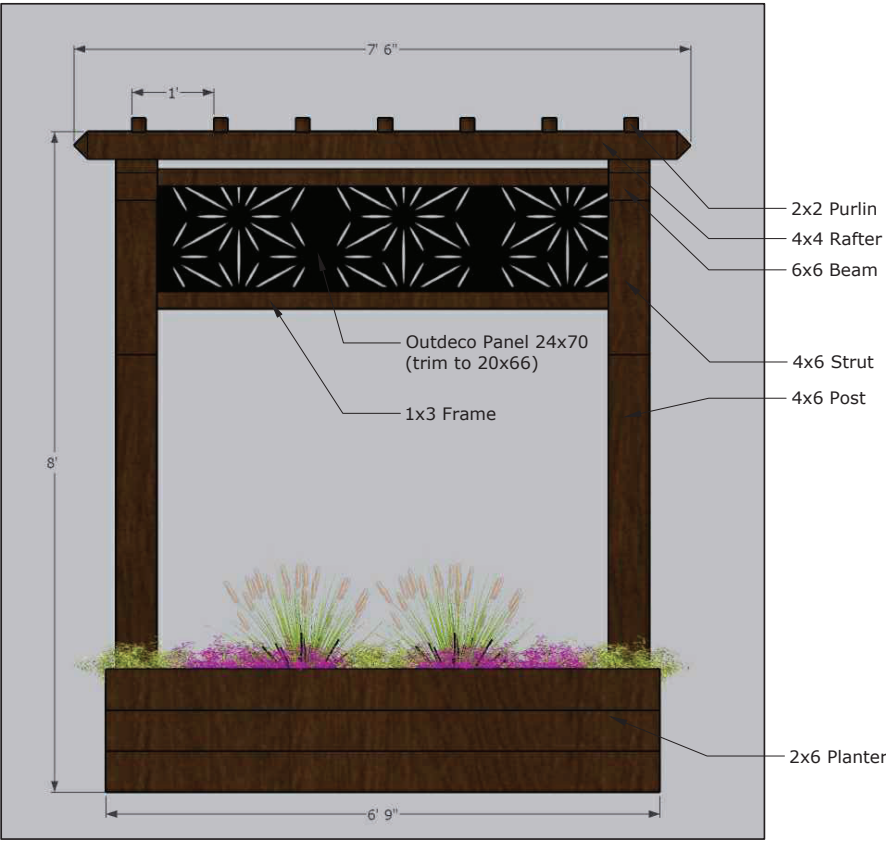


Precedent

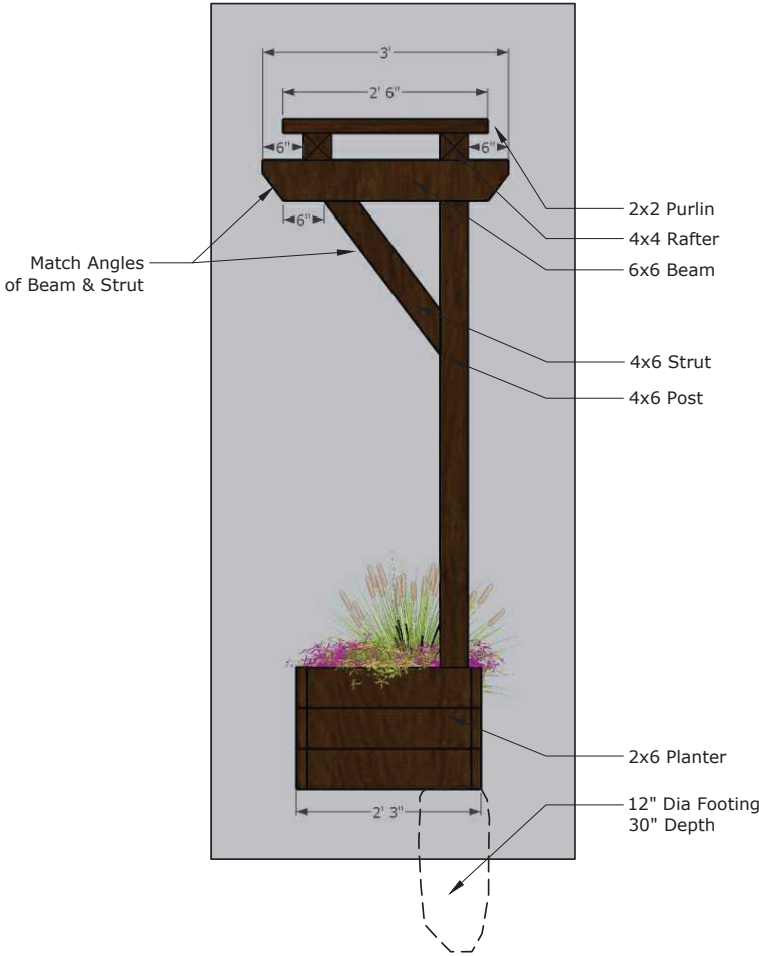


OUTER SECTION (2 TOTAL)

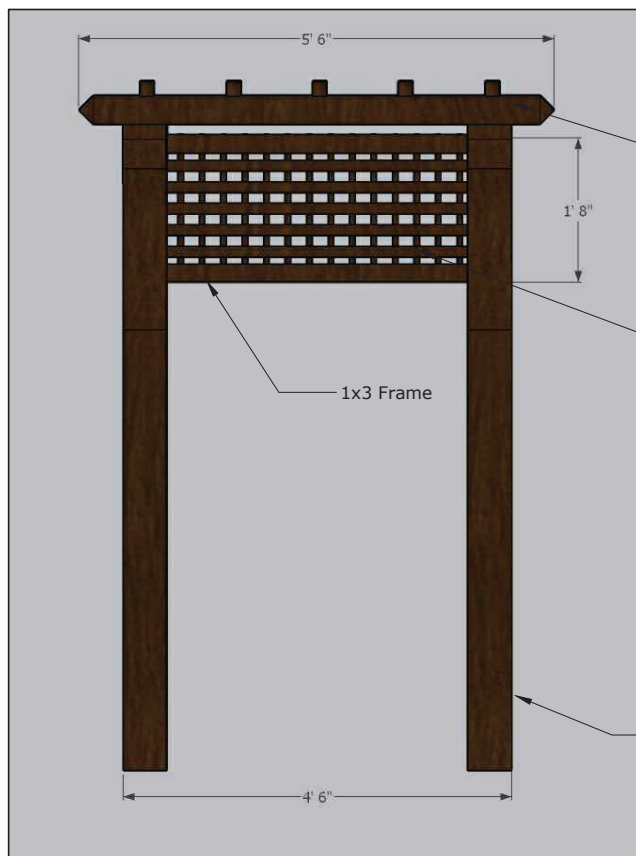
Front View



Side View



Front View

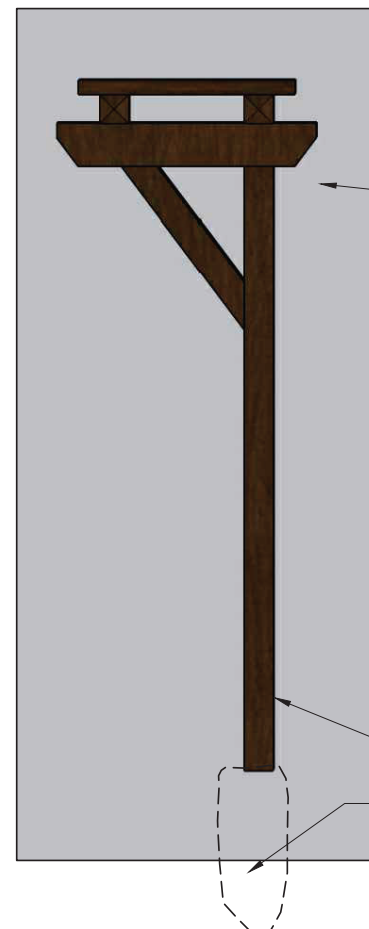


- Same lumber sizes as outer sections

- Custom Lattice
 - 1x2 horizontal w/ 1.5" gap
 - 1x1 vertical (behind) w/ 2" gap

- No Planter on center section

Side View

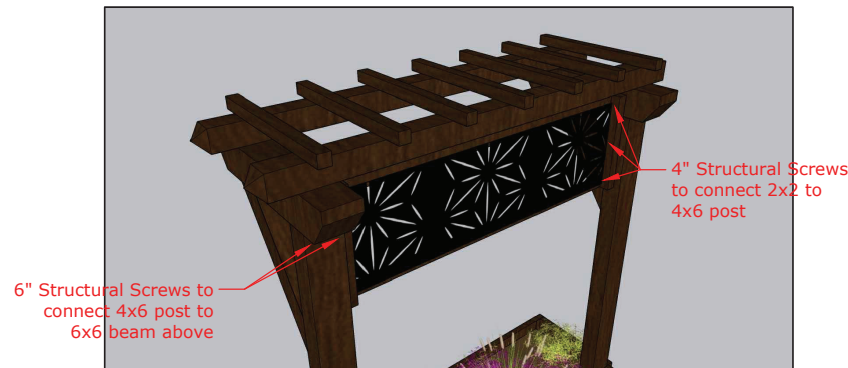
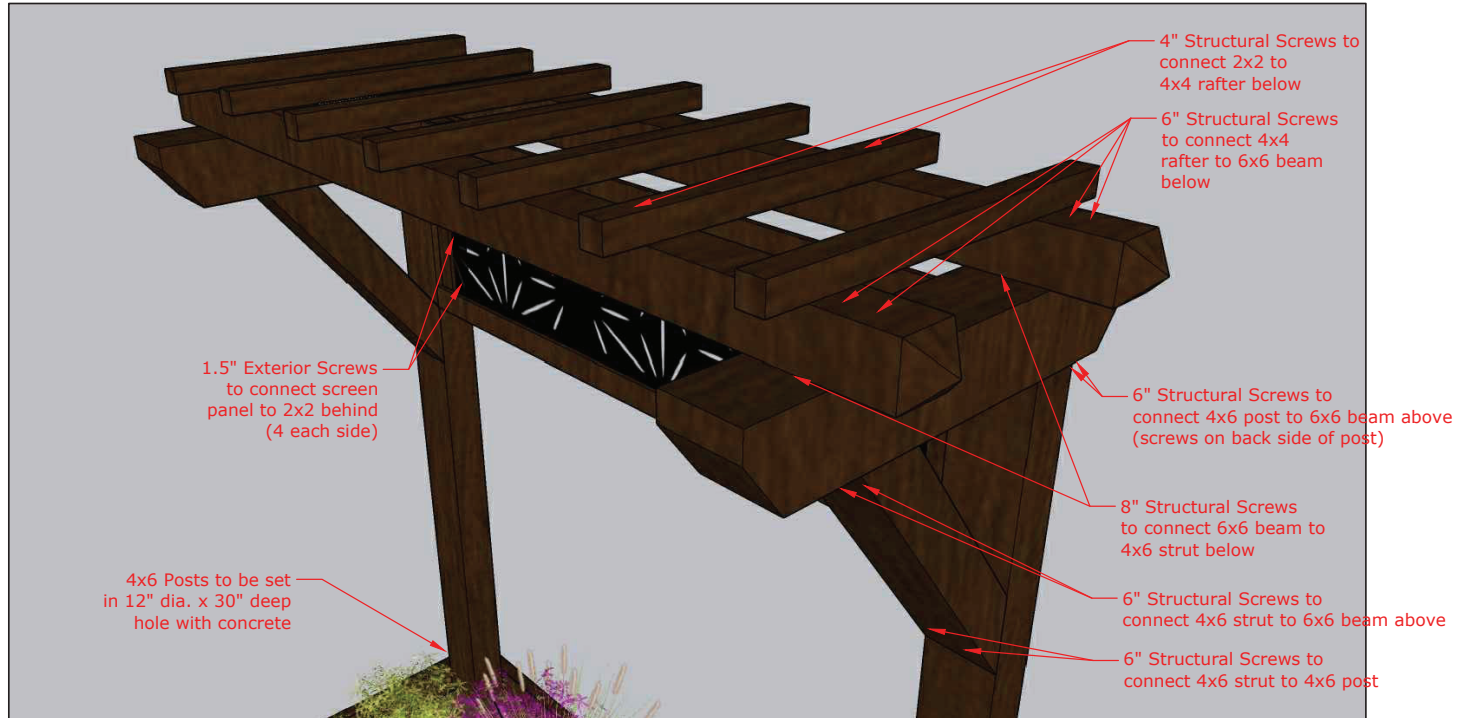


- Same Dimensions as outer sections

— No Planter
on center section

— 12" Dia Footing
30" Depth

Framing Connections



ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED.
ALL MATERIALS SHALL BE OF QUALITY GRADE AND SHALL BE PROTECTED AGAINST ROT AND INSECT DAMAGE.
ALL JOINTS SHALL BE PROTECTED AGAINST WEATHER AND INSECT DAMAGE.

DATE: 08/10/2023
PROJECT: GIBBONS RESIDENCE
DRAWN BY: J. L. LAM
CHECKED BY: J. L. LAM
SCALE: 1/8" = 1'-0"



GIBBONS RESIDENCE
18 BOWLING GATE
PORT COCHRAN, COCONDO

FRAMING CONNECTIONS
SHEET NO. L104

Planting & Irrigation



View from Inside



View from Dining Area



View from Gate & Yard



View from Seating Area

