



**Garden
Spot of
Colorado**

807 Mountain Avenue | PO Box 1229 | Berthoud, CO 80513 | O: 970.532.2643 | F: 970.532.0640 | Berthoud.org

TOWN OF BERTHOUD PLANNING COMMISSION

TOWN HALL

807 Mountain Avenue

THURSDAY, NOVEMBER 10, 2022

6:00 P.M.

1. Call to Order

2. Roll Call

Jan Dowker, Chairwoman
Chris Kurtz, Secretary
Abigail Smith
Brett Wing

Karen Anderson, Vice Chair
Melissa Feldbush
Jon Van Benthem

All matters listed under Item 3, Consent Agenda, are considered to be routine by the Planning Commission and will be enacted with a single vote. If discussion is deemed necessary on an item, that item should be removed from the consent Agenda and considered separately.

3. Approval of Minutes of the October 13, 2022 Planning Commission Meeting.

4. Public Hearing: 948 5th St Variance request, Edward Harris and Arlie Anderson.

5. Reports.

6. Adjourn.

The Planning Commission hearing will be held on Zoom, and in person, and can be joined at the following link: <https://us02web.zoom.us/j/87395537864> or by calling 1 (669) 900-6833 and inputting the following Meeting ID number: 873-9553-7864.

If you require a special accommodation, please contact the Town Clerk 24 hours in advance at (970) 532-2643.



Planning Commission Minutes – October 13, 2022

1. **Call to Order** – The Planning Commission convened a regular meeting on October 13, 2022.
Chairwoman Dowker called the meeting to order at 6:00 p.m.

2. **Roll Call** – Members present:

Jan Dowker	(Chairwoman)
Karen Anderson	(Vice Chair)
Chris Kurtz	(Secretary)
Jon Van Benthem	(Commissioner)
Melissa Feldbush	(Commissioner)
Abigail Smith	(Commissioner)
Brett Wing	(Commissioner)

Staff present:	Curt Freese	(Director)
	Adam Olinger	(Planner)
	Jonathan Mitchell	(Permit Technician)

3. **Consent Agenda** – Minutes from the September 8, 2022 Planning Commission Meeting.

MOTION made by Commissioner Anderson to APPROVE the Minutes for September 8, 2022.

SECONDED by Commissioner Kurtz.

Commissioner Smith abstained due to absence from previous meeting.

With those all in favor, THE MOTION CARRIED.

4. **Public Hearing: Farmstead Acres Neighborhood Master Plan and Rezoning Request (Todd Johnson, agent)**

Director Freese introduced this two-part request for a Neighborhood Master Plan and a rezoning to Urban Residential and M-1 Light Industrial for the Farmstead Acres development. The Neighborhood Master Plan only covers the area proposed for urban residential while the rezoning would be done to create one area to be officially zoned Light Industrial, one area to be zoned neighborhood commercial, and one area to be Urban Residential.

Public Comment was opened at 6:40 p.m.

Angela Drumright shared her concerns about the public parking availability, the traffic, and security.

Mike Coen was concerned about the smaller roadways and general safety.

Kimberly Shively was concerned about potential obstructed views, dense surrounding populations, the security of residents and pets, and the overflow traffic.

Kathryn Browning was concerned about the increased traffic, wants a reduction of homes, and was concerned about no direct access to Highway 56 (Mountain Avenue) for the townhomes.

Craig Hovick (letter shared via Kathryn Browning) was concerned about the safety of children playing outside and access to Highway 56.

Public Comment was closed at 6:52 p.m.

MOTION made by Commissioner Anderson to RECONSIDER the Farmstead Acres Neighborhood Master Plan to one that better matches the existing layout an infrastructure for the adjoining Farmstead Filing 1.

SECONDED by Commissioner Wing.

With all in favor, THE MOTION CARRIED.

MOTION made by Commissioner Anderson to TABLE the Farmstead Acres Rezoning Request.

SECONDED by Commissioner Wing.

With all in favor, THE MOTION CARRIED.

Project Guidance

The Planning Commissioners voiced support of a reduction of the size of the park to allow for the reconfiguration of the layout of the homes, to maintain the proposed trail connection to the Farmstead Trail, and to provide a landscape screen between the existing Farmstead fences and the trail connection.

The Planning Commissioners expressed approval of keeping the Urban Residential Request if the project was laid out more like the Farmstead.

5. Public Hearing: Trails at Creekview Filings 1-4 Final Plat Request (Kristin Turner, agent)

Planner Olinger introduced this Final Plat—the creation of 481 new single family detached and attached lots, three parks, and open space on 141.19 acres of land. This request is being broken up into four filings to allow for the project to be completed in phases.

Public Comment was opened at 8:18 p.m.

Alex Hoime (Harvest Ridge developer) shared concerns regarding street alignment with Swan Peter Drive.

Larry Lempka had concerns about the generated increase of citizens.

Public Comment was closed at 8:34 p.m.

MOTION made by Commissioner Wing to APPROVE the Trails at Creekview Filings 1-4 Final Plat, finding that it satisfies Section 30-6-108 C. with the following conditions:

- 01. All lots abutting an alley must be rear loaded from the alley.**
- 02. An activated pedestrian crossing be constructed across Berthoud Parkway to connect this development to the Harvest Ridge development.**
- 03. The stoplight at County Road 4E and Highway 287 shall be installed before the 4th Filing's lots are released for building permits subject to CDOT approval of a stoplight or any improvement CDOT determines as warranted.**

SECONDED by Commissioner Anderson.

With all in favor, THE MOTION CARRIED.

6. Reports –

September 29 – The Town of Berthoud won an award from the Colorado Chapter of the American Planning Association for its 2021 Comprehensive Plan.

October 27 – No scheduled Planning Commission meeting.

TBD – Soon there shall be a joint meeting between the Planning Commission and the Board of Trustees for the 1st Street Corridor.

7. Adjourn –

The meeting was adjourned at 9:27 p.m.



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STAFF REPORT: 948 5TH ST VARIANCE

DATE: November 10, 2022

GENERAL INFORMATION

Applicant:	Edward Harris & Arlie Anderson
Site Location:	948 5 th St
Applicant's Request:	The Applicant is requesting approval for a variance to allow the expansion of a garage that was built into the existing setback
Current Zoning:	R-1 (Single-Family Residential)

ZONING DISTRICT INFORMATION

	<u>R-1</u>
Max Density	8 Dwelling units per acre
Min. Lot Size	3,500 sqft.
Min. Lot Width	30'
Front Setback	20'
Side Setback	5'
Rear Setback	20'
Building Height:	40'

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning/Buffer required if rezoned</u>
North: R-1 (Single-Family Residential)	Single-Family Residence	None
South: R-1 (Single-Family Residential)	Single-Family Residence	None
East: R-1 (Single-Family Residential)	Single-Family Residence	None
West: R-1 (Single-Family Residential)	Single-Family Residence	None

PROPOSAL

The Applicant is requesting approval for a 4 ft. rear setback variance and a 3 ft. south side setback variance to allow an addition to the existing non-conforming garage at 948 5th St. The R-1 zoning district has a side setback of 5 ft. to both the rear and side property lines and the structure is currently 1 ft. from the rear property line and 36 in. (2.67 ft.) from the south side property line. According to Section 30-3-107, non-conforming buildings can continue their use until the use is discontinued or until they are altered. Because an addition is being proposed, this would end the building's legal non-conforming status and would require a variance to receive permit approval. The proposed addition would be located fully within the lot's typical setbacks. If approved, the new setbacks for a garage on the rear property line would be 1 ft. and the south side property line would be 2 ft, which would allow for the addition to occur.

CRITERIA/FINDINGS

Section 30-3-108 gives the Planning Commission the authority to authorize variances from the terms of Chapter 30-2, Design Standards, Chapter 30-3, Zoning; and Chapter 30-7 Signs, where the strict enforcement of this title would create a situation which would result in unreasonable application of these standards, considering whether (with Staff analysis regarding each point below):

- 1. Such relief may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of this code, and;**
 - ✓ The property has been nonconforming for decades.
- 2. Provided that there are exceptional circumstances applying to the specific piece of property which do not generally apply to the remaining property in the same zoning area or neighborhood, and;**
 - ✓ The circumstances relating to this property are unique to other properties in the same zoning area in different parts of town. The structure on this property has been existing for decades, and the addition will not increase the violation.
- 3. That the requested variance shall not authorize any permanent use not permitted in the zoning district, and;**
 - ✓ The variance is not authorizing any permanent use not permitted in the zoning district.
- 4. If the hardship on which the request for variance is based, in whole or in part, is self-inflicted, that will be a highly significant fact which is a material element bearing on the issue, and will weigh heavily against the owner or applicant seeking the variance, or;**
 - ✓ The hardship on which the request for variance is based is not self-inflicted as the existing structure was built decades ago.

-
5. **In circumstances where the property owners affected most directly, e.g. neighbors, concur in writing with the variance that fact shall be given significant (but not conclusive) weight in favor of the request.**
- ✓ Staff has not received any public comments relating to the variance request from nearby property owners or the general public.

PUBLIC NOTICE

Notice of the Planning Commission public hearing has been mailed to property owners within 300 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code.

FINDINGS AND RECOMMENDATIONS

Variance Request

Staff recommends a motion of approval of a 4 ft. rear setback and a 3 ft. side setback Variance for the detached garage at 948 5th St, finding that:

1. The Variance Request satisfies all of the applicable requirements specified in Section 30-3-108 of the Berthoud Municipal Code.

ZONING MAP



VARIANCE REQUEST

PETITION FOR VARIANCE

I/We, the undersigned represent that I/we are the owner(s) of the following property:

946 5th Street, Berthoud, Colorado with a legal description of:
Arlie Anderson
Edward Harris

Proof of ownership is attached to this petition in the form of:

(check one)

- ☐ A copy of the deed.
or
☐ A copy of the title insurance policy.

You, as the applicant(s) need to state why your specific facts justify granting a variance. Please answer the following questions in detail. You may attach additional pages. It is often very helpful to obtain as many of your neighbors signatures as possible to indicate support for your request.

1. Type of variance you are requesting (for example, front yard setback, side yard setback, fence, etc...)

Existing garage is too close to boundary.
Extend garage. Extension is within setback.

2. Your justification for this variance – (i.e. peculiar lot size or exceptional contours of lot, etc...)

Garage has existed in current location
for decades. New extension is within
setbacks.

3. Respond to Page 1 (paragraph a. or b. as applicable) of information sheet to demonstrate how your request meets the criteria and, why a variance is justified.

Non conforming building will not
change footprint outside of setbacks.
No impact on neighbors.

PETITION FOR VARIANCE

4. Please attach a diagram of the requested variance drawn to scale as it affects the real property.

Edward Harris
Printed name of applicant

[Signature]
Signature of applicant

948 5th Street
Berthoud 80513

Address

haikugardens@gmail.com
E-mail Address

303 702 1925
Telephone

Archie Anderson
Printed name of applicant

AA
Signature of applicant

"

Address

E-mail Address

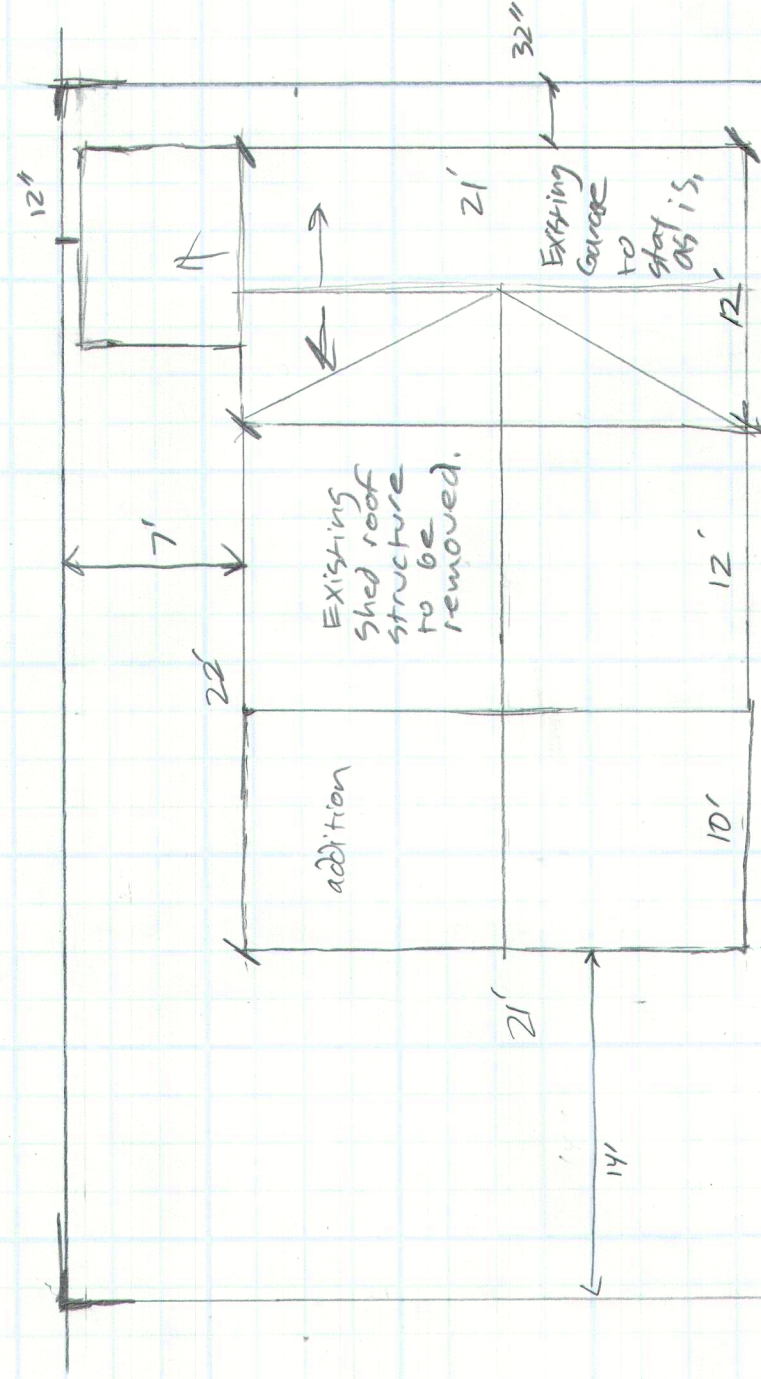
720 355 2256
Telephone

For office use only:

Variance Granted ____ Denied ____ this ____ day of ____ 20 ____.

Reason for denial (if applicable)

Alleyway



Scale $\frac{1}{8}$

N
E—S
W

RESIDENCE

5th Street