



# STAFF REPORT

## Board of Adjustment

### CASE #AV-1739-17

BOA Date:	January 10, 2017	Case Planner:	Domenic Martinez	Phone:	303-289-3670
Location:	6691 Doris Ct, Commerce City, Co 80022				
Applicant:	Joan Heying	Owner:	Same as Applicant		
Address:	6691 Doris Ct, Commerce City, Co 80022	Address:	Same as Applicant		

### Case Summary

<b>Request:</b>	The applicant is requesting a reduction in the side-on street setback requirement for an attached carport.
<b>Project Description:</b>	The applicant is requesting a variance from 15' to 2'7" for the side-on-street setback requirement in order to construct a carport on the property.
<b>Issues/Concerns:</b>	Vehicular Access to E 66th Avenue Sight Distance
<b>Key Approval Criteria:</b>	Variance Approval Criteria (LDC Section 21-3222) Accessory Structure Standards (LDC Section 21-5450)
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	R-2 (Two-Family Residential District)
<b>Comp Plan Designation:</b>	Residential - Medium

### Attachments for Review: *Checked if applicable to case.*

- Applicant's Narrative Summary
- Vicinity Map
- Development Review Team Recommendation
- Site Plan

## Background Information

### Site Information

<b>Site Size:</b>	0.14 Acres
<b>Current Conditions:</b>	The property is developed with one single family residence
<b>Existing Right-of-Way:</b>	66th Avenue (North), Doris Court (East)
<b>Neighborhood:</b>	Kemp
<b>Existing Buildings:</b>	Yes
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Site in Floodplain?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<b>Existing Land Use</b>		<b>Occupant</b>	<b>Zoning</b>
North	Residential	Single Family Residence	R-2
South	Residential	Single Family Residence	R-2
East	Residential	Single Family Residence	R-2
West	Residential	Single Family Residence	R-2

### Case History

No case history is associated with this property. Adams County Assessors records show that the home was constructed in 1964 without a garage or any off-street parking.

## Applicant's Request

The applicant requests to build a carport on the subject property, with a 2'7" side-on street setback along the E 66th Avenue right-of-way. According to the applicant, the placement of the home on the property does not allow for a carport to be placed anywhere else on the lot. The carport will allow for two vehicles to be parked underneath it, and be constructed on top of an existing concrete slab. The home was constructed in 1964 and at the time was not constructed with a garage or carport. The applicant also states that the requested variance will not have substantial impact on the adjacent properties or alter the character of the neighborhood.

## Development Review Team Analysis

The applicant has requested a 12'5" variance to construct a carport at a distance of 2'7" from the north property line, when the minimum required setback per the Land Development Code (LDC) is 15'. The Development Review Team (DRT) reviewed the circumstances of the subject property and applicable sections of Articles III, IV, V, and VII of the LDC as they relate to this variance case. Table V-4 of LDC Section 21-5450 states that attached front loaded carports default to the side-on-street setback for the applicable zone district, which in this case is 15'. Staff provided analysis to whether an attached carport could feasibly be constructed on the site, that meets setback standards from the accessory bulk standards, and zone district standards, and determined that a carport could not feasibly be constructed without obtaining a variance in any circumstance.

<b>Property Line</b>	<b>Setback of Current Home</b>	<b>*Minimum Carport Setback Requirement (LDC)</b>
Front (Doris Ct)	28'	20', but may be no farther than the front façade.
Side-on-Street 66 <sup>th</sup> (Ave)	20'	15'
Side	0'	5'
Rear	16'	5'

\*Carport setbacks based on LDC Sections 21-5450 (Table V-4), and 21-4305.

Placing a carport in the front yard facing Doris Court would specifically be disallowed by code, and a required minimum driveway length of 20' in addition to the carport would not be possible to fit in the amount of front yard space. Constructing a carport in the rear yard would not be possible, and the required paving of a driveway would deprive the applicant of any backyard space. While a variance would be needed in order to construct, the proposed location for the carport is the most reasonable and only feasible location for a carport on the site. The concrete is already in place in this location, and would require a variance from only one LDC standard.

**Figure 1: Subject Property**



LDC Section 21-7622(3) requires the construction of a garage for all *new* residential development. Although this is not new construction, construction of the carport would provide covered parking for the property, and provide an increase towards meeting the standard in the LDC.

Staff has also determined that the location of the carport should not interfere with sight distance for vehicles maneuvering from 66<sup>th</sup> Avenue to Doris Court. Discussion between Public Works and South Adams County Fire occurred as to whether any sight distance or access issues would be created with the construction of this carport. Carports are typically constructed as open style, allowing visibility through the structure, which does not provide a visibility issue. Public Works has reviewed the specific case, and found no conflict.

Criteria Met?	Sec. 21-3222. Variances	Rationale
<input checked="" type="checkbox"/>	The physical character of the property, including dimensions, topography or other extraordinary situation or condition of the property, create a situation where the strict enforcement of the standards in this land development code will deprive the property of privileges generally enjoyed by property of the same classification in the same zoning district (hardship);	The physical dimensions of the site do not allow for any other location for a carport to be built on the site. The proposed variance to place the carport in this specific location is the least intrusive and substantial to complete. A majority of the residential homes in the neighborhood have some form of covered parking, therefore demonstrating "privileges generally enjoyed by property of the same classification."
<input checked="" type="checkbox"/>	The hardship is not self imposed;	The residence was constructed in 1964, and the property was purchased by Joan Heying in 1973. As the applicant was not directly responsible for the construction of the property, and purchased it after, the hardship is not self-imposed.
<input checked="" type="checkbox"/>	The variance will not be of substantial detriment to adjacent property;	The proposed carport will be adjacent to the E 66 <sup>th</sup> Avenue right of way. It will not directly abut any of the neighboring residences, and will not provide any impacts that are undue to properties in the area.
<input checked="" type="checkbox"/>	The variance granted is the minimum needed for the reasonable use of the land, building, or structure	Land Development Code Section 21-7622(3) states that all new development is to require a garage with two vehicle spaces. The minimum would be to ensure that at least two off-street parking spaces are covered.

#### Comprehensive Planning Documents

The DRT recommendation for this case is supported by the following Comprehensive Planning Goals:

Section	Goal	Description
Housing and neighborhoods	HN 1	Re-invest in and rehabilitate aging housing stock: The city will reinvest in existing, aging housing stock to stabilize neighborhoods for current resident occupants. Reinvesting contributes to neighborhood vitality and strength.
<u>Analysis:</u>		The proposed carport would be a reinvestment to an existing property in the core city. It will further enhance HN 1.3 – <i>Property Maintenance</i> by adding to the appearance of the unit, and provide upgrade to the existing site.
Section	Goal	Description
Land Use and Growth	LU 3	Strengthen city neighborhoods as attractive, livable places: Commerce City's neighborhoods will continue to be its residential building blocks where people are proud to live. The city will ensure that all neighborhoods are attractive, livable places with a mix of housing types and convenient services and transportation.
<u>Analysis:</u>		The proposed carport will further increase LU 3 by allowing for a residential improvement to occur at an

<u>Section</u>	<u>Goal</u>	<u>Description</u>
		existing site, which adds to the functionality and appearance of the home. Homes with covered parking spaces will add to the continued support of residential desirability in the area.
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Appearance and Design	AD 2	<u>Improve appearance of established neighborhoods and districts:</u> Commerce City will continue to identify neighborhoods and commercial districts in need of upgrades, rehabilitation/revitalization, targeted redevelopment, property maintenance, and compliance with existing appearance codes.
<u>Analysis:</u>		The proposed carport will be a functional and aesthetic improvement to the property. It will also provide an upgrade towards meeting Land Development Code design requirements for single family residential homes under 8 acres.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Variance set forth in the Land Development Code and recommends that the Board of Adjustment approve the request.

## \*Recommended Motion\*

### ***To recommend approval:***

I move that the Board of Adjustment find that the requested Variance for the property located at **6691 Doris Court** contained in case **AV-1739-17** meets the criteria of the Land Development Code and, based upon such finding, approve the Variance.

## Alternative Motions

### ***To recommend approval subject to condition(s):***

I move that the Board of Adjustment find that upon satisfying the following conditions:

*Insert Condition(s)*

the requested Variance for the property located at **6691 Doris Court** contained in case **AV-1739-17** meets the criteria of the Land Development Code and, based upon such finding, approve the Variance.

### ***To recommend denial:***

I move that the Board of Adjustment deny the requested Variance for the property located at **6691 Doris Court** contained in case **AV-1739-17** because it fails to meet the following criteria of the Land Development Code:

*List the criteria not met*