



# AGENDA

## Zoning Board of Adjustment (ZBA) Public Hearing

4:00 PM - Wednesday, October 7, 2020

Zoom Meeting

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### REMOTE PUBLIC HEARING

This public hearing will be conducted remotely, with access to the public hearing provided through Zoom video conferencing software. This hearing may be viewed via Channel 16, or online at [www.loveland.viebit.com](http://www.loveland.viebit.com).

Page

#### I. CALL TO ORDER

This public hearing will be conducted remotely, with access to the public hearing provided through Zoom video conferencing software. This hearing may be viewed via Channel 16, or online at [www.loveland.viebit.com](http://www.loveland.viebit.com).

#### II. REGULAR AGENDA

##### 1. **937 E. 4th Street Variance**

4 - 27

This public hearing is to consider a request to allow a building setback from a trail that is less than the minimum required by Section 18.04.04.03.C of the Unified Development Code. The applicant is Brian Trainor.

[ZBA Staff Report 9-14-20 937 E. 4th St-Oct 7](#)

[ATT 1 Application and Justification Statement](#)

[ATT 2 Site Plan](#)

[ATT 3 Riley-Bell Addition Amendment No. 1](#)

[ATT 4 Conceptual Building Plans](#)

[ATT 5 Letter from neighbor](#)

#### III. ADJOURNMENT

**Notice of Non-Discrimination**

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

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

**Notificación en contra de la discriminación**

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

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

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

*Password to the public wireless network (colquest) is accesswifi*

## **VARIANCE HEARING PROCESS**

### **Public Hearing Procedures**

The purpose of a public hearing is for the Zoning Board of Adjustment (ZBA) to obtain full information as to the matter under consideration. This includes giving all interested parties the opportunity to speak (provide testimony) at the hearing. The public hearing is a formal process that is typically conducted by a hearing officer appointed by the Loveland Planning Commission. Below is the hearing sequence as followed by the hearing officer.

#### **1. Variance item is recognized by the Hearing Officer**

#### **2. Staff presentation**

(City Planning staff provides an introduction, a summary of the requested variance and a recommended motion for approval or denial.)

#### **3. Applicant presentation**

(Applicant or Applicant's representative introduce themselves, explain the variance request, and present the case in support of the variance request.)

#### **4. Public comment**

(Public comment should be made from the podium upon direction from the Hearing Officer. Citizens should introduce themselves and provide their name and mailing address in writing at the podium. All questions and comments should be directed to the Hearing Officer. The Hearing Officer will direct any questions to staff or to the applicant after closing public comment.)

#### **5. Close public comment**

(No more questions or comments are considered from this point forward.)

#### **6. Applicant or staff response**

(The Hearing Officer directs any questions to City staff or the Applicant, as appropriate.)

#### **7. Hearing Officer states decision**

(The Hearing Officer may approve, approve with conditions, disapprove, continue the hearing to a specific date, or forward the matter to the full Zoning Board of Adjustment.)

**\*Note that the Hearing Officer may place time limits on presenters. All presenters should communicate clearly and concisely, refraining from duplicating detailed information that has been provided by others.**

# Zoning Board of Adjustment Staff Report

October 7, 2020

<b>AGENDA ITEM #1</b>		<b>PZ# 20-00122</b>
<b>Project Name:</b>	937 E. 4 <sup>th</sup> Street Variance	
<b>Request:</b>	1. To allow a building setback from a trail that is less than the minimum required by Section 18.04.04.03.C of the Unified Development Code	
<b>Applicant:</b>	Brian Trainor	

**RECOMMENDED MOTION:**

*Move to make the findings listed on page 7 of this staff report dated October 7, 2020, and, based on those findings, approve the requested variance for a 5 foot west setback subject to the condition on page 10.*

**ALTERNATIVE MOTION:**

*Move to make the alternative findings listed on page 9 of this staff report dated October 7, 2020, and, based on those findings, deny the requested variance for a 5 foot west setback.*

**Trail Setback**

This report concerns a request for a variance from Section 18.04.04.03 of the Unified Development Code (UDC), titled *Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies*.

Building setbacks are conventionally measured from lot lines based on whether the lot line is at the side, rear, or front of the property. The section of the code relevant to this variance request sets additional building setbacks when a property is adjacent to, or contains, an alley, sidewalk, trail easement, access easement, ditch, or waterbody. This code section did not exist in Title 18 prior to the 2019 adoption of the UDC, although certain standards within it, such as alley setbacks, were addressed elsewhere in the code. The trail setback standard was proposed by the Parks and Recreation Department at the time of the drafting of the UDC, and requires a 15 foot building setback from public trails or access easements:

<p><b>18.04.04.03 Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies</b></p> <p>C. <b>Trail or Access Easements.</b> Outside of the DT zone and outside of Neighborhood Activity Centers within Complete Neighborhoods, buildings shall be set back 15 feet from public trail or access easements (except shared driveways) or 20 feet from the edge of the trail or access easement, whichever provides for a greater setback. Within the DT zone and Neighborhood Activity Centers within Complete Neighborhoods, no setback is required unless the City Engineer determines that a setback is necessary to provide for maintenance of the trail, or the Parks and Recreation Director determines that the building placement will create detrimental shading on the trail.</p>
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Both Planning and Parks and Recreation staff have concerns about the vagueness of the provision (the specific wording of which was not drafted by staff). It is unclear whether the setback was to be measured from

the edge of the trail or the edge of the easement. Also, given that trails often meander, a trail can be situated, at different segments, on private property, adjacent to private property, and at a distance to private property. As such, Planning and Parks and Recreation staff consider it appropriate to allow a staff review and approval of modifications to the trail setback based on site-specific trail circumstances.

To reduce the vagueness of the code and to allow staff approval of modifications to the trail setback, the following amendment to that section of the UDC has been proposed:

**18.04.04.03 Setbacks Along Alleys, Sidewalks, Trail or TrailAccess Easements, Ditches, and Waterbodies**

C. **Trail or TrailAccess Easements.** ~~Outside of the DT zone and outside of Neighborhood Activity Centers within Complete Neighborhoods, All structures/buildings shall be set back 1520 feet from the nearest edge of a public trail or access easements (except shared driveways) or 2015 feet from the edge of the trail or access easement, whichever provides for a greater setback. Within the DT zone and Neighborhood Activity Centers within Complete Neighborhoods, no setback is required unless the City Engineer determines that a setback is necessary to provide for maintenance of the trail, or The Director, after consultation with the Parks and Recreation Director, may modify or waive the setback requirement upon a determination es that the building placement of the structure will not create detrimental impacts shading on the use and maintenance of the trail.~~

The trail setback amendment is part of a packet of minor UDC code amendments that have completed their Planning Commission public hearings. They await the required City Council public hearings, which have yet to be scheduled but will likely be conducted later this year. It is anticipated that the trail setback minor amendment will be adopted by Council as proposed, but the specific approval date, and the date of its implementation (its effective date), are unknown.

### Variance Request

The applicant is interested in constructing a house on a lot that is adjacent to a ditch right-of-way that contains a trail. Given the narrowness (38 foot wide) of his lot, the trail setback standard significantly limits the width of the buildable area of the lot. The applicant is requesting that the conventional 5 foot side yard setback be applied to his property rather than the 15 foot trail setback. He has the option of awaiting the likely approval and implementation of the pending code amendment and then requesting the lesser setback through an administrative waiver process, or submitting a variance application. Because of the uncertainty concerning the timing of the code amendment, he opted to submit a variance request to allow him, if approved, to proceed to construction sooner.

VICINITY MAP



Site Data

<b>Address/Location:</b>	937 E. 4 <sup>th</sup> Street – North side of 4 <sup>th</sup> Street, between N. Pierce Avenue and N. St. Louis Avenue
<b>Legal Description:</b>	Currently Lot 23, Block 1, Riley Bell Addition; to become Lot 1 of the Riley-Bell Addition Amendment No. 1, upon recordation of the amended plat

<b>Subdivision:</b>	Riley Bell Addition (Riley-Bell Addition Amendment No. 1 is pending as Application #PZ-20-72)
<b>Land Area:</b>	Current size: 4,989 sf Proposed size: 4,745 sf
<b>Existing Buildings:</b>	The west end of the house on the lot to the east currently encroaches onto the subject lot. The pending amended plat will move the lot line to the west, eliminating the encroachment
<b>Vehicular Access:</b>	Fourth Street
<b>Water Provider:</b>	City of Loveland
<b>Wastewater Provider:</b>	City of Loveland
<b>Electric Provider:</b>	City of Loveland
<b>Gas Provider:</b>	Xcel Energy
<b>Floodplain:</b>	No

### Zoning and Existing Land Uses

	Existing Zoning	Existing Land Use
<b>Subject Property</b>	R3e-Established High Density Residential	Side yard to a Single Family Residence
<b>Adjacent North</b>	R3e-Established High Density Residential	Public alley followed by side yard to a Single Family Residence
<b>Adjacent South</b>	R3e-Established High Density Residential	Public street followed by Single Family Residence
<b>Adjacent East</b>	R3e-Established High Density Residential	Single Family Residence
<b>Adjacent West</b>	R3e-Established High Density Residential	Irrigation ditch with trail followed by Single Family Residence

### Report Attachments

1. Application and Justification Statement
2. Site Plan
3. Riley-Bell Addition Amendment No. 1
4. Conceptual Building Plans
5. Letter of Objection-Neighboring Property Owner

### Development Review Team Contacts

<b>Current Planning:</b>	Noreen Smyth
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## PROJECT SUMMARY

Many properties in the older parts of town consist of two or more platted lots. This occurred because early developers subdivided land into narrow lots and allowed purchasers to buy as many lots as they wished for a house, with purchasers commonly buying between one and three lots for each house. Often, when a house

was constructed on a property containing two or three lots, the house was positioned in the center of the property in a manner that left too little space to the sides to allow for the construction of an additional house.

The 937 E. 4<sup>th</sup> Street property consists of two lots. Unlike typical properties consisting of multiple lots, its house was positioned on the east side of the property, leaving a relatively large west side yard.

The applicant came to a concept review meeting with the City in 2017 to discuss the possibility of constructing another residential structure on the property, to the west of the existing house. While the details of the 2017 proposal differed from the current proposal, the applicant was advised that construction of a second structure would be possible with a boundary line adjustment (amended plat) to move the lot line, as the existing house straddles it at its west end. He was also advised that conventional 5 foot building side yard setbacks would be required of both the existing and the new structure, as the City had no trail setback standard in 2017. The applicant contracted with a surveyor for preparation of the amended plat and with a builder for preparation of a site plan for a new house, and met again with staff to further review the proposal in advance of the submittal of the formal development applications.

By the time the amended plat application was submitted, the UDC was adopted and the new trail setback standard impacted the west building setback for the undeveloped lot. The submitted amended plat, which could be recording upon addressing certain minor corrections, met all lot standards, but even with the interpretation that the trail setback could be measured from the edge of trail rather than the lot line, the west lot could not practically accommodate a house given the narrowness of its buildable area resulting from the trail setback. The applicant met with Parks and Recreation and Planning staff to discuss options for varying from the provision. Upon reviewing the proposal, Parks and Recreation staff are amenable to the boundary line adjustment and to a trail setback variance, and request that a minimum 5 foot west setback is maintained and that additional visual screening is provided between the new house and the trail.

If the trail setback variance is approved, the applicant will submit the amended plat for recording, formalizing the new lot line location. A Public Improvement Construction Plan application for city review of public utility improvements is then to be submitted to the City for review and approval, followed by submittal of a building permit application for the single family house. At 38 feet, the lot is narrow, but it meets the UDC's 35 foot minimum lot width for *Urban* lots, and at 4,745 sq ft, it more than meets the 3,500 sq ft minimum lot area. While the subject lot width and the proposed house are narrow, the neighborhood includes a variety of lot and house sizes, and narrow lots and houses are present in the vicinity of the subject property.



**Picture of the Subject Property**



The subject lot is on the left (west). It currently functions as a side yard to the house on the right (east). The trail to the west, from which a setback variance is requested, can be seen to the far left. The owner of the subject lot also owns the lot to the east. The new house on the lot to the west and the existing house on the lot to the east would share a driveway, per the submitted site plan.

**Neighborhood Outreach**

<b>Notification:</b>	A letter was mailed to all property owners within 150 feet on September 22, 2020, along with the posting of a public hearing sign along 4 <sup>th</sup> Street alerting neighbors that a virtual hearing for the variance will be held on October 7, 2020 at 4:00 pm with the Zoning Board of Adjustment Hearing Officer.
<b>Neighborhood Response:</b>	At the time this report was prepared, Planning staff has received, from recipients of the public notice letter: 1) a phone call indicating an objection to the variance, stating that they did not want a house constructed on the lot, and 2) an October 4, 2020 letter of objection to the variance from a neighboring property owner; see Attachment #5.

## Zoning Board of Adjustment Criteria and Findings for Approval

Pursuant to Section 18.17.15.07.B. of the City of Loveland Municipal Code, the Zoning Board of Adjustment shall consider and make findings regarding the following criteria for variance requests. All criteria must be met in order to approve the requested variance.

### Criteria

- 1. Granting the variance will not substantially conflict with any adopted plans or policies of the City, or the purposes or intent set out in this Code;**

*Finding: Staff believes that this finding CAN be met*

*Analysis: The requested variance does not conflict with any adopted plans or policies of the City, other than the sections of the Unified Development Code that are being varied from. All other setback, site layout, and building code requirements are proposed to be met for the proposed single family residence.*

- 2. There are exceptional conditions creating an undue hardship, applicable only to the property involved, or the intended use thereof, which do not generally apply to the other land areas or uses within the same zone;**

*Finding: Staff believes that this finding CAN be met*

*Analysis: The applicant first discussed the proposal to adjust the lot line (amend the plat) and construct a residence on the subject property prior to the adoption of the Unified Development Code (UDC). The trail setback standard did not exist prior to the adoption of the UDC, and the applicant proceeded to prepare the plat with the understanding that only conventional building setback standards applied. When the amended plat was submitted and reviewed after the adoption of the UDC, the applicant was informed of the new trail setback standard. This situation of the adoption of a new trail setback standard between the applicant's concept review meeting with staff and the submittal of the formal application is not anticipated to impact any other properties within the City. As the previous development code did not require a trail setback, had the applicant submitted for building permit prior to the adoption of the UDC, all setback requirements would be met.*

- 3. The Applicant cannot derive a reasonable use of the property without approval of a variance;**

*Finding: Staff believes that this finding CAN be met*

*Analysis: A house of a conventional shape/configuration could not be built on the subject property without varying from the trail setback. The property would remain undeveloped, and function as a side yard to the adjacent lot.*

- 4. Granting the variance will not generally set a precedent for other applications;**

*Finding: Staff believes that this finding CAN be met*

*Analysis: Other potential developers have been, and will continue to be, advised of the new trail setback standard prior to the submittal and acceptance of a development application. Also, as discussed above, the trail setback standard is proposed to be amended in a manner that will allow such hardships to be handled administratively rather than through a ZBA variance.*

- 5. Granting the variance will not be detrimental to any adjacent properties or the area;**

*Finding: Staff believes that this finding CAN be met*

*Analysis: The variance will allow a single family residence to be constructed closer to a trail than otherwise*

would be allowed. The trail is a Parks and Recreation Department facility, and that Department is satisfied that added screening between the proposed house and the trail will mitigate any potential detriment to their trail. The applicant is the owner of the adjacent lot to the east and will not be negatively impacted by a lesser west setback on the lot to the west. The single family residential properties to the north, south, and west have, respectively, an alley, a street, and an irrigation ditch and trail between them and the subject property, and should not be negatively impacted by the construction of a single family residence on the subject property that is situated 5 feet from its west lot line.

**6. Granting the variance will not be detrimental to public health, safety, or welfare; and**

**Finding: Staff believes that this finding CAN be met**

*Analysis: There is no evidence that the public health, safety, or welfare would be impacted by the requested variance.*

**7. Adequate relief cannot be reasonably obtained through a different procedure, such as the application of alternative compliance standards, if applicable.**

**Finding: Staff believes that this finding CAN be met**

*Analysis: The applicant and staff researched the possibility of varying no more than 20% from the trail setback standard, which would allow for an administrative review through a variation process, but the resulting buildable area would still not allow for a conventionally configured house. The applicant could potentially wait until the adoption of the proposed code amendment to the trail setback standard, which is currently undergoing public hearings, but opted to submit a variance application instead, as the date by which the code amendment will be adopted and implemented (or the certainty of its adoption) is unknown at this time.*

**Alternative Findings: Zoning Board of Adjustment Criteria and Findings for Denial**

Pursuant to Section 18.17.15.07.B. of the City of Loveland Municipal Code, the Zoning Board of Adjustment shall consider and make findings regarding the following criteria for variance requests. All criteria must be met in order to approve the requested variance.

**Criteria**

**1. Granting the variance will not substantially conflict with any adopted plans or policies of the City, or the purposes or intent set out in this Code;**

**Finding: Staff believes that this finding CAN be met**

*Analysis: The requested variance does not conflict with any adopted plans or policies of the City, other than the sections of the Unified Development Code that are being varied from. All other setback, site layout, and building code requirements are proposed to be met for the proposed single family residence.*

**2. There are exceptional conditions creating an undue hardship, applicable only to the property involved, or the intended use thereof, which do not generally apply to the other land areas or uses within the same zone;**

**Finding: Staff believes that this finding CANNOT be met**

*Analysis: There are other properties in the older areas of the City that consist of two lots, with a house on one lot and the adjacent lot serving as a large side yard. The owners of these lots are expected to meet all development standards, including trail setbacks, should they decide to pursue development of an additional single family residence one of the lots. In the event a setback standard changes through adoption of a new*

code or through a change to an existing code standard, the development is expected to meet the new standard.

**3. The Applicant cannot derive a reasonable use of the property without approval of a variance;**

**Finding: Staff believes that this finding CAN be met**

*Analysis: A house of a conventional shape/configuration could not be built on the subject property without varying from the trail setback. The property would remain undeveloped, and function as a side yard to the adjacent lot.*

**4. Granting the variance will not generally set a precedent for other applications;**

**Finding: Staff believes that this finding CAN be met**

*Analysis: Other potential developers have been, and will continue to be, advised of the new trail setback standard prior to the submittal and acceptance of a development application. Also, as discussed above, the trail setback standard is proposed to be amended in a manner that will allow such hardships to be handled administratively rather than through a ZBA variance.*

**5. Granting the variance will not be detrimental to any adjacent properties or the area;**

**Finding: Staff believes that this finding CAN be met**

*Analysis: The variance will allow a single family residence to be constructed closer to a trail than otherwise would be allowed. The trail is a Parks and Recreation Department facility, and that Department is satisfied that added screening between the proposed house and the trail will mitigate any potential detriment to their trail. The applicant is the owner of the adjacent lot to the east and will not be negatively impacted by a lesser west setback on the lot to the west. The single family residential properties to the north, south, and west have, respectively, an alley, a street, and an irrigation ditch and trail between them and the subject property, and should not be negatively impacted by the construction of a single family residence on the subject property that is situated 5 feet from its west lot line.*

**6. Granting the variance will not be detrimental to public health, safety, or welfare; and**

**Finding: Staff believes that this finding CAN be met**

*Analysis: There is no evidence that the public health, safety, or welfare would be impacted by the requested variance.*

**7. Adequate relief cannot be reasonably obtained through a different procedure, such as the application of alternative compliance standards, if applicable.**

**Finding: Staff believes that this finding CAN be met**

*Analysis: The applicant and staff researched the possibility of varying no more than 20% from the trail setback standard, which would allow for an administrative review through a variation process, but the resulting buildable area would still not allow for a conventionally configured house. The applicant could potentially wait until the adoption of the proposed code amendment to the trail setback standard, which is currently undergoing public hearings, but opted to submit a variance application instead, as the date by which the code amendment will be adopted and implemented (or the certainty of its adoption) is unknown at this time.*

**Staff Recommendation**

City staff is recommending approval of the variance application based on the recommended findings for approval and has the following recommended condition:

1) Visual screening for the City trail, in the form of a solid fence or landscaping, is to be provided on the subject lot between the proposed house and the trail. The screening proposal is to be submitted with the building permit application for review and approval by the Parks and Recreation Department.

Should the Hearing Officer disagree with staff findings and determine that a denial of the variance is appropriate, alternative findings for denial have been provided beginning on page 9 of this report.

# APPLICATION

## Applicant Information

Name: AB Rentals

Phone: 970-980-5700

Address: 937 E 4th St

City, State: Loveland, Co

Zip Code: 80537

Email Address: luke@970services.com

Preferred  
Method of  
Contact

Phone

Email

## Variance Request

Address of Property in which the Variance is Requested (if different than above information):

Describe the  
requested variance.

Request that setback in relation to Trails and Easements being 15 ft from edge of trail or easement be replaced with standard 5' side yard setback.

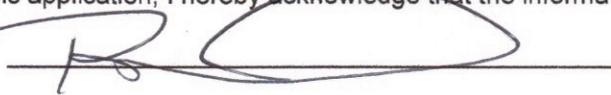
List all existing  
structures on the  
property.

None

## Applicant's Signature

By signing this application, I hereby acknowledge that the information provided is correct and complete.

Signature



Date

6-3-2020

Printed Name

Brian Trainor

# Findings Report

For each finding below, please provide a detailed justification on how the variance request complies with the finding.

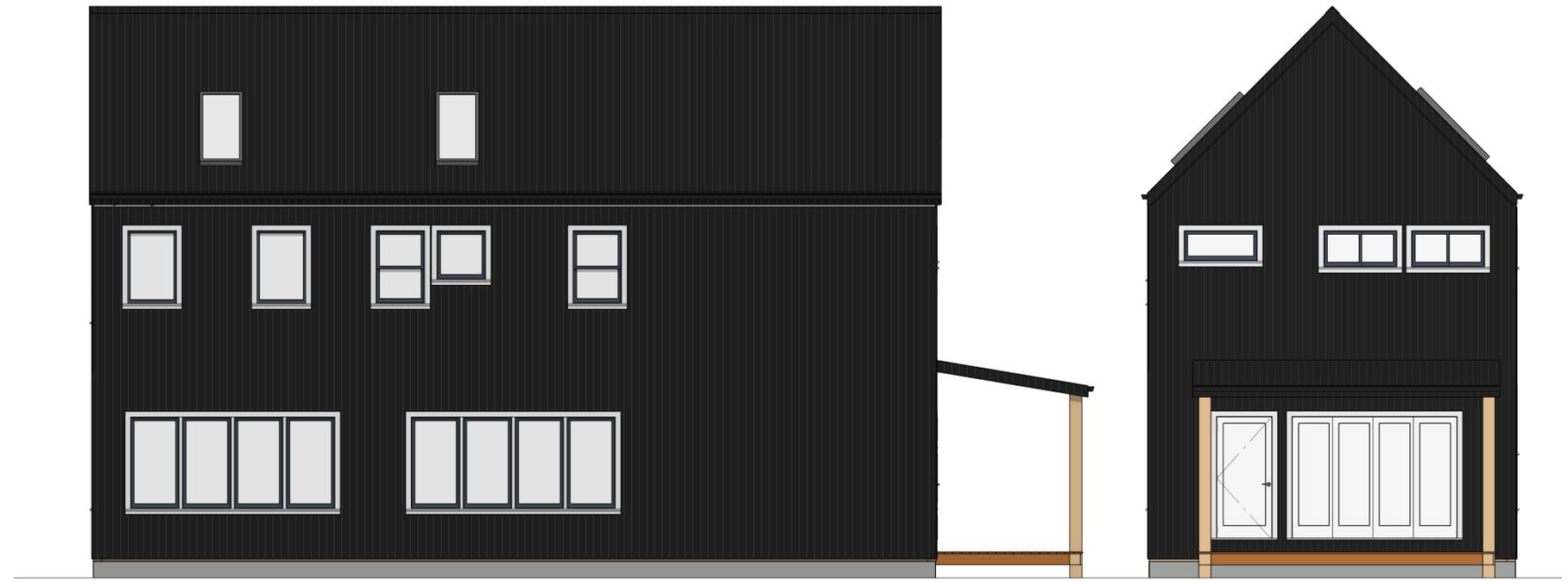
Finding	Justification
1. Granting the variance will not substantially conflict with any adopted plans or policies of the City, or the purposes or intent set out in the Unified Development Code.	Granting a variance for the 5' sideyard setback would not negatively impact public safety or health. We actually intend to construct a new fence to improve the area of the trail next to our property.
2. There are exceptional conditions creating an undue hardship, that are specific only to the property involved or the intended use, which do not generally apply to the other properties or uses within the same zone.	The current trail setback requirement is new as of 2019, previous applicants did not have to meet this same standard.
3. The Applicant cannot derive a reasonable use of the property without approval of the request variance.	With the existing structure being located on the east side of the property, with a modest BLA we have the capacity to build on that area. Ultimately it is our goal to improve the area on the corner of 4th st and the trail.
4. Granting the variance will not set a precedent for other applications.	To my knowledge this section of land is the only location adjacent to the trail where this circumstance exists.
5. Granting the variance will not be detrimental to any adjacent properties or the area.	Granting of this variance will not negatively impact the trail, and we are not requesting a variance on setbacks to any adjacent properties.
6. Granting the variance will not be detrimental to public health, safety, or welfare.	Granting of the variance will not negatively impact public safety health, safety or welfare. Our goal is to improve the area by installing a new fence and preserving landscape and possibly adding a couple of trees.









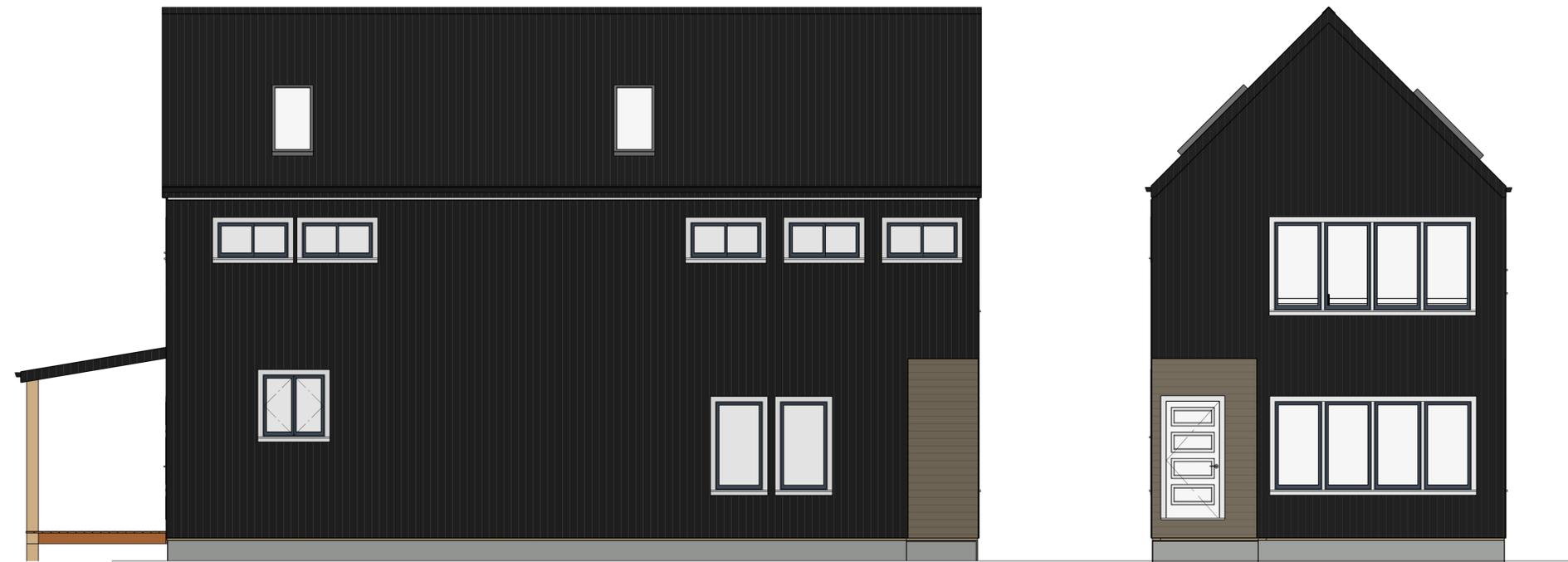


Exterior Elevation Right

Exterior Elevation Back



Cross Section 2



Exterior Elevation Left

Exterior Elevation Front

REVISION TABLE	
NUMBER	DESCRIPTION

PAGE TITLE

DRAWINGS PROVIDED BY:

DATE:

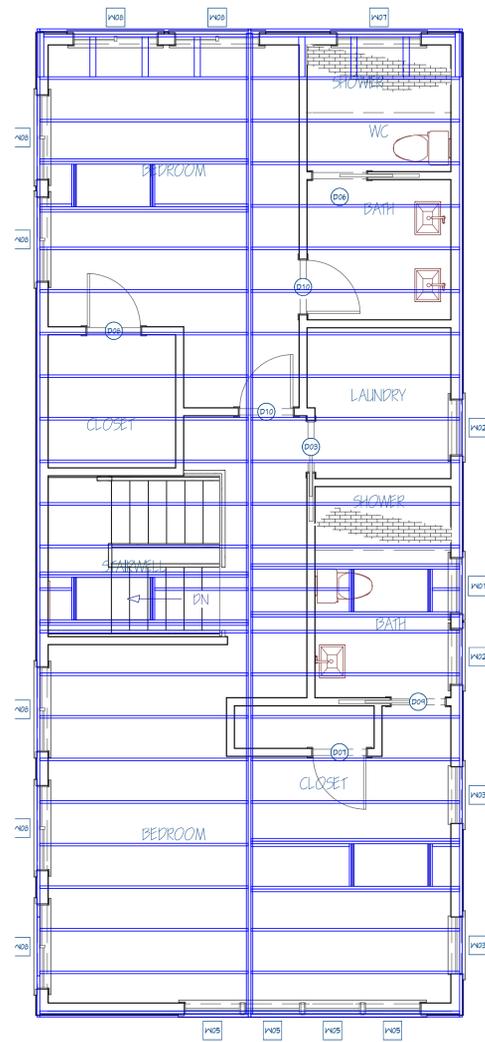
2/16/2020

SCALE:

SHEET:

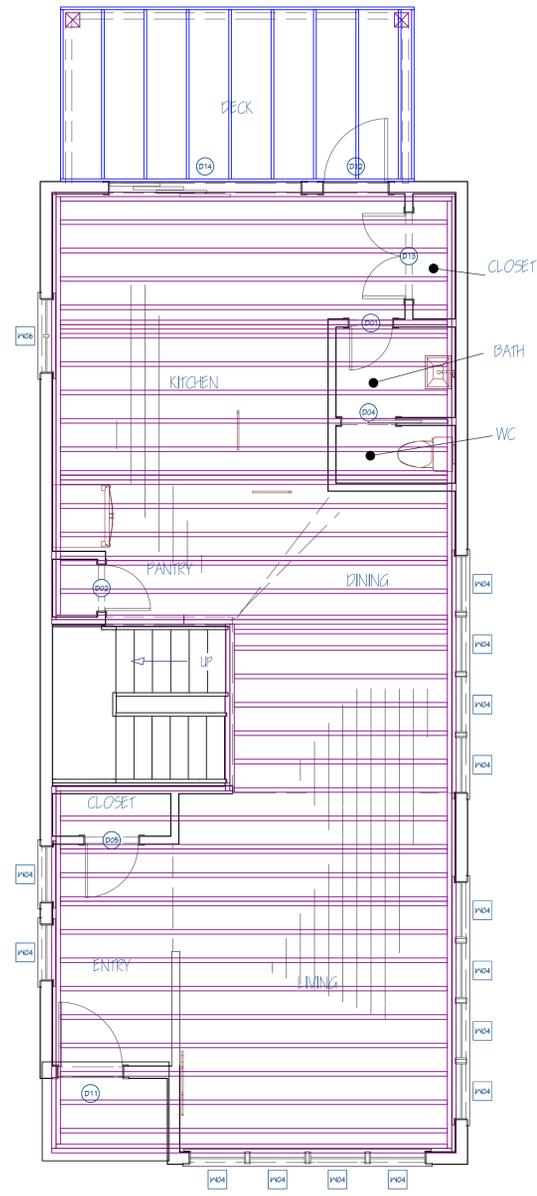
P-1





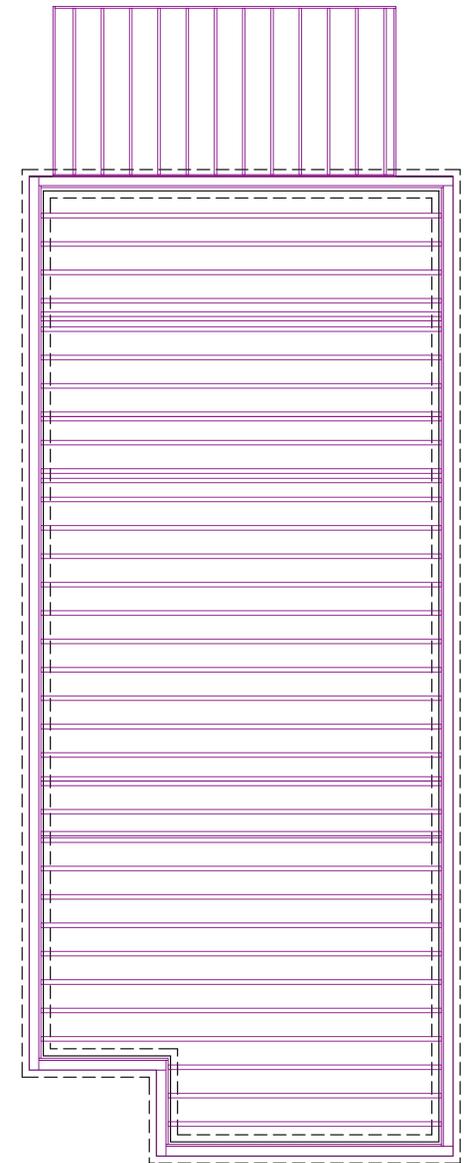
LIVING AREA  
895 SQ FT

**Roof**



LIVING AREA  
896 SQ FT

**1st Floor**



LIVING AREA  
896 SQ FT

**Foundation**

REVISION TABLE	
NUMBER	DESCRIPTION

DRAWINGS PROVIDED BY:

DATE:

2/16/2020

SCALE:

SHEET:

Oct. 4, 2020

Attn: Noreen Smyth/City of Loveland Planning Office

This is Rick Steffen and Shirley Legg Steffen. We are the owners and occupants at 941 E 4<sup>th</sup> St. our home is the first property east of 937 E. 4<sup>th</sup> St./ Project case no.20-122/Applicant name Brian Trainor/Variance meeting Id. 958-9555-1161

We have lived in our home for 30 plus years, and during that time we had met and became friends with most of our neighbors, homeowners that lived on our block. It is an older neighborhood in Loveland, but, had always been a quiet and pleasant to live in, with the exceptions of the busy traffic due to Chilson Center located so close. But, as time has passed, many of the people who owned there homes have either passed away or sold their homes and moved away, and in this creating a turnover of new occupants, the majority now being renters rather than the home owners. With this comes disruption of our neighborhood. We are surrounded by rentals now in every direction, Rental Homes, Rental Apartments, Low Income Housing Apartments. We now have more crime, break-ins, theft, loud parties, gunshots in the middle of the night. Domestic violence, vehicles that get parked in front of our house on the street sometimes for weeks at a time. Only to disappear in the middle of the night. The police have too, respond to this area more often than they should have to for one reason or another. Most times it's one of the rental properties. Didn't use to be that way. We are not trying to say that all renters are bad people. We just strongly feel that as actual homeowners on our block we have too many rentals around us already, and do not want anymore. Especially one that at this present time does not even exist. The subject property of this hearing at 937 E 4<sup>th</sup> St. already has a residential home on it, one that matches and blends with the rest of the neighborhood.

Since the variance applicant Mr. Brian Trainor purchased the property it has been always a rental for him. In the short time he has owned this property there have already been multiple occupants that have lived there and on more than one occasion we had some very bad and intense moments with those occupants. It was on going and was so glad when they moved out! The main problem being they just had no respect for their neighbors and could care less if they were being disruptive. —' ENOUGH NO MORE RENTALS'.

You can walk down our block and pretty much tell which homes owner occupied and which are rentals just by the looks of the property from the street. Because of the lack of care of that property, again not all renters are bad people but, we have experience more than our share of them. For what it is worth the current renters and occupants of Mr. Trainor's subject property at 937 E 4<sup>th</sup> St. have been good neighbors and have made many improvements to the property it has never looked better. That's all because the current occupants are the sister of Mr. Trainor and her husband. They are now under contract purchasing a new home and will be moving out. So once again the property will be up for rent.

What's Next!

We have met with Brain Trainor, and he seems to be a good person very motivated, and I am sure his plans for building a small house next to the existing home are with good intention. It would create more financial gain for himself. We strongly disagree with the idea and do not want this plan approved by the

zoning board. We do not have anything personal against Mr. Trainor we feel the new living structure would not only clash with the look and design of the existing homes but, the location of the structure takes away from the open space view not only on the property lot its self but, also along the walking/bike path that runs along the property line. We realize that there are other areas along the bike path that the homes and smaller buildings are set quite close to the path. They consist of mostly structures that existed before the bike path was built and that is understandable. To approve this variance to build a tiny house/small house/mini house, whatever you wish to call it, is not the best interest of the homeowners nor the people who use the path, nor motor vehicles driving down 4<sup>th</sup> St. This new structure/and its location obstructs the view of approaching traffic from both bike path and 4<sup>th</sup> St. There is no lighting of any kind on the bike path in this area. There is very poor and minimal signage at the path crossing at 4<sup>th</sup> St., there is no blinking crossing signs at this location. Like exist at the path crossings on Boise Street, Madison Street, First Street, in the years we have lived here we have witnessed so many close calls at this location it is only a matter of time before luck runs out and someone gets killed at this location. If you the zoning board approves this variance and allows Mr. Trainor to build this tiny house rental than the risk of someone losing their life becomes the question of not if it will happen. Should someone gets hurt or killed because of an obstructed view of a tiny little rental house that had no place being built there to begin with. When that happens and there is a loss of life to whomever or how many the blood stain will be on you the boards hands, along with Mr. Trainor and for what? so he can crowd a tiny little residential lot with tiny little houses to collect his tiny little financial gain each month? Where does it stop, where does it end? If you approve it this time then he will want to build another, then another until the property looks like a tiny little rental trailer park.

NO, NO, NO what about parking? Every time there is an event at Chilson center our block is packed with the overflow of cars. If you remove Chilson Center from the equation, street parking on our block can still be very bad. From hands on experience over many years the subject property at 937 E. 4<sup>th</sup> St. alone has limited street parking in front of the house because of the driveway and also the bike path crosswalk just west of driveway so every time there is company or barbeque or a lot of vehicles, where do they park? Right in front of our house at 941 E 4<sup>th</sup> St next door. We know the street is public parking and short term doesn't bother us. When the parked vehicles bumpers are two-three feet into our driveway then it is a problem. Been there done that, drama, violence, name calling, and by who? Past renters at 937 E 4<sup>th</sup> St. Mr. Trainor property and that's just with one home on the lot. What happens when there is two-three?

Our other concern would be the affect this project could have on property value of the homes on the block and general area. We have lived he 30 plus years, we have spent a lot of money, and put a lot of time and hard work into our home. Both inside and out, not only for the comfort of inside living but to make it look nice on the outside to help the overall look of the neighborhood, also to increase the overall value of the property. We still have some work to do to reach our final goals and have every intent of doing so. All of this with the plan to gain enough equity value in our home to benefit from it as we near our retirement age.

What happens to the value of not only our home but, all of the homes in the immediate area, how can this be fair for all of the actual homeowners on this street. We are already outnumbered and are overwhelmed by number of rentals in this area. Along with the constant turnover of strange new faces/more crime/verbal altercations and added noise of parties, revving vehicles engines. The realization of it all is that our residential block of fourth street is one on the older neighborhoods in

Loveland and there are many honest wonderful people who live here. Be honest with yourselves as I am when there are vacancies in this area of town that come up for rent, sometimes! Not very often we get lucky and the new renters or occupants turn to be great and everything is fine! But most of the time it turns out bad, older neighborhood, smaller homes, mean lower rent most of the time. So we don't usually get the peaceful, normal, steadily employed, we get the troubled. We are not prejudice nor do we try to stereotype, we are also not blind. We are surrounded by rental already in every direction. Some good people, but a lot more bad, drug dealers, thieves, criminal histories, those that don't want to work would rather take advantage of welfare food stamps, housing, choose to party 24/7, have 7-8 vehicles on the properties always working on them, be lucky if there is even one that is legally registered/insured. There is always constant vehicle and foot traffic all hours of the night. It is what we get from renters We don't have to make this stuff up ,in 30 years of living here we have experienced it/witnessed it lived with it and dealt with more times than we would like to remember.

Life as we've known day to day has changed so much, it's been hard times for so many, don't know this country will ever recover all you can do is hope we have dealt with enough over 30 years of living here and will have to continue to do so in the future, all we can do is voice our opinion about this variance for a new rental home and hope that you the zoning and planning board actually read, take in the thoughts and feelings of the homeowners this will affect this area, try to understand how we feel and why we feel this way.

It is my honest opinion that your decision one way or the other will not affect your own personal and everyday life situation in your neighborhood or where you live. It will more than likely be based from a financial proposition. It will be more about what the taxable value of the property will or could be if you approve this project. How much more taxes can be collected on the property at 937 E 4<sup>th</sup> St. The city really could care less about the homeowners of our neighborhood or how they really feel or how this could affect them. Anyone who received the public hearing notice letter and sent in or wrote a response, we are more than likely wasting our time, stating our thoughts and feelings in vain. Because government entities could care less about the people they serve or what they think, everything you do is motivated by the all mighty dollar not what the majority vote is or wants. A nice dinner, ball games tickets, some nice flower delivered. Who knows what and Mr. Trainor can get anything passed or approved that he wants, that is the way the game is played that's the true reality of the way things work. If we have offended anyone with how we feel, all we can say is (My Bad).

The hearing notice letter was to give us the opportunity to voice or express our opinions before you make your decision so here it is in a nutshell for what it is worth. But if I was a betting man I would say it was worth 0 nothing.

But here it is as follow:

This is nothing personal to Mr. Brian Trainor, he is a good person, with what he feels is a good idea with good intent. It will affect our property value, create a dangerous situation for the public using the bike path, crossing, creates more parking problems for us and we the home owners are the ones that have to deal with the future renters on a day to day basis, and from past experience is more bad than good, this is just more future trouble for the homeowners on this block! We do not agree with this plan nor do we want it approved by zoning planning board. What about our rights, we the homeowners who have been here long before Mr. Trainor purchased this property at 937 E 4<sup>th</sup> Street. If he wants more rentals than buy a vacant empty piece of ground and build your rentals more power to him. But please DO NOT

ALLOW HIM TO JUST WALK IN AND CHANGE THE LOOK OF THE PROPERTY to create a crowded rental park for his own financial gain, and cause a property value loss for those have lived on this block and made it their home. ENOUGH is ENOUGH.

No more rentals on our block Please.

Thank You

Mr. and Mrs. R. Steffen at 941 E 4<sup>th</sup> Street Loveland, Co