

**Adaptable Use Staff Report**  
**April 2, 2019**

| 2151 S. Custer Avenue – Accessory Dwelling Unit  |  |   |
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| <b>Application</b>   | <b>PZ # 19-00015</b>   | <b>Adaptable Use</b>  |
| <b>Location</b>  | 2151 S. Custer Avenue located at the northwest corner of Custer Avenue and 22 <sup>nd</sup> Street SW in the Sherri-Mar subdivision. |   |
| Project Summary  |  |   |
| <p>This Adaptable Use application proposes to convert an existing 900 square foot finished basement into a separate accessory dwelling unit for rental purposes. The accessory dwelling unit is ancillary to the principal single-family dwelling such that it may not be sold apart or established as its own principal dwelling unit. The subject property at 2151 S. Custer Avenue is zoned R1e – Established Low Density Residential and includes a lot of approximately 7,400 square feet. Accessory dwelling units are allowed by-right in the R1e zoning district if the lot is 10,000 square feet in size or larger. Instances where the lot is under 10,000 square feet in size, accessory dwelling units may be allowed through Adaptable Use approval, providing compliance with all applicable standards (see Relevant Zoning District Regulations Section below).</p> |  |   |
| Applicant Information  |  | Development Review Team Contacts  |
| <b>Applicant and Property Owner:</b><br><b>Cory Bovee</b><br><b>(970) 690-7244</b><br><a href="mailto:jennysplumbing@gmail.com">jennysplumbing@gmail.com</a>   |  | <b>Planner:</b><br><b>Troy Bliss, Senior Planner</b><br><b>(970) 962-2579</b><br><a href="mailto:Troy.Bliss@cityofloveland.org">Troy.Bliss@cityofloveland.org</a> |



| <b>Relevant Zoning District Regulations</b>  |                    |  |
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| <b>R1e – Established Low Density Residential</b>   | <b>Required</b>    | <b>Proposed</b>                                      |
| <b>Accessory Dwelling Unit Maximum Square Footage</b>  | 900 square feet    | 900 square feet                                      |
| <b>Minimum Lot Area (unless approved as an Adaptable Use)</b>  | 10,000 square feet | 7,400 square feet                                    |
| <b>Located on the same lot, either integrated into the principal single-family dwelling or detached building</b>                                       |                    | Integrated into the principal single-family dwelling |
| <b>Does the accessory dwelling unit have a separate entrance from the principal dwelling unit?</b>   | Yes                | Yes  |
| <b>Does the accessory dwelling unit have its own cooking and bathing facilities independent of the principal dwelling unit?</b>                        | Yes                | Yes  |
| <b>Is there parking on-site for one parking space for the accessory dwelling unit in addition to required parking for the principal dwelling unit?</b> | Yes                | Yes  |
| <b>Are water, wastewater, and electric service to the accessory dwelling connected to the service mains for the principal dwelling unit?</b>           | Yes                | Yes  |
| <b>Can water and electric utilities for the accessory dwelling unit be shut off independently from the principal dwelling unit?</b>                    | Yes                | Yes  |

| <b>Neighborhood Outreach</b> |  |
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| <b>Notification</b>          | A neighborhood meeting was held on March 7, 2019 at 5:30 p.m. in the Development Center (410 E. 5 <sup>th</sup> Street). Property owners within a 150 foot radius of 2151 S. Custer Avenue were notified by mail 15 days in advance of the neighborhood meeting. Four (4) property owners attended the neighborhood meeting on March 7, 2019. An overview of the discussion is provided below.   |
| <b>Neighborhood Response</b> | The four (4) surrounding property owners who participated in the neighborhood meeting expressed a number of concerns related to activities and upkeep of the property by the owner. These concerns generally included:<br>-business vehicles being parked along the streets and at times blocking driveway access to adjoining lots;<br>-property improvements encroaching onto adjoining lots;<br>-loud revving of a motorcycle engine, and;<br>-impacts on privacy |



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|  | <p>While these concerns were understood to not be part of the Adaptable Use application, neighbors wanted a commitment from the applicant that efforts would be made to address these problems.</p> <p>With respect to the accessory dwelling unit, there wasn't too much concern voiced. It was important for those who attended the meeting that the applicant go through the appropriate permitting and inspections processes with the City to legally establish the basement finish as an accessory dwelling unit. It was voiced that the required parking space for the accessory dwelling unit be available at all times on-site for the tenants. Additionally, neighbors felt that the applicant should be selective in finding potential renters to limit the amount of impact on the neighborhood. For example, do not rent to a large family or group of people that the space would be too small to accommodate.</p> |
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| <b>Adaptable Use Findings</b>   |   |
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| <b>Pursuant to Section 18.02.413 of the City of Loveland Unified Development Code, an application for adaptable use may be approved if it is demonstrated that:</b>   |   |
| <b>Criteria</b>   |   |
| <b>B. 1. The proposed adaptable use will not tend to frustrate the implementation of current, adopted plans of the City, including, but not limited to, the Comprehensive Plan.</b>   | <p><i>The applicant has demonstrated that the proposed adaptable use meets the above criteria.</i></p> <p><i>Analysis: In approving the Adaptable Use for allowing establishment of an accessory dwelling unit at 2151 S. Custer Avenue, no impact in carrying out the implementation of adopted plans of the City would be created. The subject property is within a Low Density land use designation that is predominately detached single-family homes. The inclusion of an accessory dwelling unit does not change the dwelling type, rather it is ancillary to the principal dwelling unit and cannot be sold apart or established as its own principal dwelling unit.</i></p> |
| <b>B. 2. The location, size, design and operating characteristics of the proposed adaptable use will be consistent with or complimentary to the existing and future land uses within the surrounding neighborhood and will not create significant noise, traffic, or other conditions that may be objectionable or detrimental to other permitted uses in the vicinity.</b> | <p><i>The applicant has demonstrated that the proposed adaptable use meets the above criteria.</i></p> <p><i>Analysis: Integrating the accessory dwelling unit into the principal single-family dwelling is in keeping with the characteristics of the neighborhood. The conditions of approval will help mitigate potential impacts to surrounding properties.</i></p>   |
| <b>B. 3. The proposed adaptable use will not negatively impact the land use patterns of existing or approved development within the neighborhood or discourage permitted uses or reinvestment in permitted uses by making the vicinity less desirable for them.</b>   | <p><i>The applicant has demonstrated that the proposed adaptable use meets the above criteria.</i></p> <p><i>Analysis: Adaptable Use standards for accessory dwelling units are intended to limit the amount of impact on the existing land use pattern by keeping the dwelling unit space small and confined to specific locations on-site, encouraging reinvestment to all properties within the subdivision, and creating the same expectations for everyone for the inclusion of an accessory dwelling unit on their property.</i></p>  |
| <b>B. 4. The proposed adaptable use is consistent with the standards in the UDC, as amended, and meets the requirements in Chapter 18.15 Adequate Community Facilities.</b>   | <p><i>The applicant has demonstrated that the proposed adaptable use meets the above criteria.</i></p>  |

*Analysis: All relevant zoning district regulations for accessory dwelling units per Section 18.04.702 of the UDC have been addressed with this Adaptable Use application. The accessory dwelling unit will have no impact to the City's Adequate Community Facilities standards.*

### Director Decision and Advisory Code Requirements

Based upon the Adaptable Use Findings outlined in this report, the City has determined that the application can be approved subject to the following conditions:

1. This Adaptable Use is being processed in conjunction with a Sketch Site Development Plan. The Sketch Site Development Plan is valid for a period of twelve (12) months from the date of this staff report. The applicant shall obtain all permit approvals through the City of Loveland Building Division by April 1, 2020. If all permit approvals are not issued within this twelve (12) month timeframe, the Adaptable Use for an accessory dwelling unit will be null and void.
2. The applicant shall provide information with their building permit for an accessory dwelling unit, verifying the following:
  - a. Water and electric utilities for the accessory dwelling unit can be shut off independently from the principal dwelling unit.
  - b. The accessory dwelling unit has its own cooking and bathing facilities independent of the principal dwelling.
3. The on-site parking space as shown on the Sketch Site Development Plan shall be reserved at all times for the tenant(s) occupying the accessory dwelling unit.

### City Approval

Approved this 2ND day of APRIL, 2019 by the Development Services Director of the City of Loveland, Colorado.



Development Services  
Director