



DEVELOPMENT SERVICES
Current Planning

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MEMORANDUM

TO: Loveland Zoning Board of Adjustments, aka Loveland Planning Commission
Jeremiah Kennedy
Michaela Bent
Bob Paulsen, Interim Director of Development Services
Loveland City Council
Owners of property within the mailing radius

FROM: Brian Burson, Current Planning Division

DATE: February 17, 2015

RE: Appeal period for Variance application # 15-231

On February 8, 2016 the Hearings Officer of the Loveland Zoning Board of Adjustments conducted a public hearing to consider a variance application filed with the City of Loveland by Jeremiah Kennedy, on behalf of Michaela Bent as owner of 6405 Seaside Drive, Loveland, CO. The following is a summary of the application that was heard:

“Variance Application # 15-231 proposes to allow a two-story deck on the rear elevation of the home that does not fully meet the design criteria established by standards for the Waterfront 1st Subdivision PUD. The proposed deck would be supported by posts anchored to the ground rather than a cantilever support from the wall; and is not adequately incorporated into the overall architecture of the home.”

The proposed determination by the Hearings Officer for this application is **APPROVAL**, as set forth in the proposed Findings and Determination, attached hereto. The proposed Findings and Determination constitutes the final decision of the Hearings Officer and is included for your review. Section 18.60.040 of the Municipal Code stipulates that the proposed Findings and Determinations made by the Hearings Officer for the variance shall be submitted to the members of the Board, the Applicant, each person who participated in the public hearing, each owner of property within the mailing radius stipulated by the Municipal Code, the Director of Development Services, and the City Council (Parties-of-Interest. If any Party-of-Interest, wish to object to the proposed Findings and Determinations for the application, an appeal may be filed.

Any appeal must be filed with the Current Planning Division, City of Loveland, 500 East 3rd Street, Loveland, CO. 80537, no later than 5:00 P.M., February 29, 2015. Any appeal must be submitted in writing. Appeals must specifically state the matters objected to, based on the criteria described in sub-section 18.80.030.B. of the Loveland Municipal Code. (Appeals by two or members of the City Council are exempt from the requirement for a written basis for appeal.) If no appeal is filed by the aforesaid time, date and place, the proposed Findings and Determinations made by the Hearings Officer shall become the final decision of the Zoning Board of Adjustments in this matter, with no further action by the Board. If an appeal is filed, the full record of the hearing conducted on February 8, 2016 shall be forwarded to the Board for their review and a public hearing will be scheduled for final action by the Board.

If you have any questions, please feel free to contact Brian Burson, City Planner II, Current Planning Division at (970) 962-2557 or brian.burson@cityofloveland.org.

**ZONING BOARD OF ADJUSTMENT
IN AND FOR THE CITY OF LOVELAND, COLORADO**

**Variance Application of Jeremiah Kennedy, on behalf of Michaela Bent for 6405 Seaside
Drive, Loveland, Colorado**

FINDINGS AND DETERMINATIONS OF HEARING OFFICER

Regarding: A variance to a parcel of land zoned for residential use within Waterfront PUD (P# 61). The applicant, Jeremiah Kennedy, on behalf of Michaela Bent (“Applicant”), seeks a variance from the design criteria for a second story deck on the rear of the home designated as a Traditional Estate Lot located at 6405 Seaside Drive, Loveland, Colorado (“Variance”).

The above matter came to be heard on February 8, 2016 by Michele Forrest, Hearing Officer designated by the Zoning Board of Adjustment pursuant to Section 18.60.060 of the Loveland Municipal Code.

Appearing at the hearing for the Applicant Was Jeremiah Kennedy. Appearing for the City of Loveland was Brian Burson, Staff Planner (“City Staff”).

The following exhibits were received in the ZBA packet and are accepted by the Hearing Officer as relevant evidence: Staff Report dated February 8, 2016 (“Staff Report”), including without limitation, Recommended Conditions of approval identified in Section IX and Attachments 1-6 identified in Section II of the Staff Report.

The Hearing Officer has considered the presentation by City Staff and Applicant at the hearing, invited public comment and has reviewed the Staff Report. Pursuant to Chapter 18.60 of the Loveland Municipal Code, the Hearing Officer hereby

FINDS:

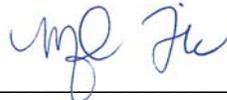
1. That proper notice of the hearing was given.
2. That the Findings and Analysis of Section VIII of the Staff Report in relation to the required findings and conditions of Chapter 18.60 to authorize the Variance are hereby adopted as the findings of the Hearing Officer and incorporated herein by reference, subject to the conditions set forth below.

NOW, THEREFORE, IT IS ORDERED BY THE HEARING OFFICER DESIGNATED BY THE BOARD that the application by Applicant for the Variance be and hereby is, **APPROVED**, subject to the following conditions:

1. The deck shall be finished as shown in the elevation sketches in **Attachment 1**.
2. Before issuance of a Building Permit by the City, the Applicant shall present written approval by the Design Review Board of the Waterfront 1st Subdivision PUD.

Dated this 15th day of February, 2016.

BY:

A handwritten signature in blue ink, appearing to read "Michele Forrest", is written over a horizontal line.

Michele Forrest, Hearing Officer