

IDRC WAIVER ANALYSIS – REVISED

Reviewer and Department/Division: _____

Approved: ☐

Approved with conditions: ☐

Denied: ☐

IDRC Meeting Date: May 13, 2016
Project Name: Encroachment into Required Front Yard Setback for a Carport
Owner: Willard Hemsing
Applicant/Agent: Hans Leitner
Telephone: 505-662-2024
Legal Description: Subd: Western Area 1, Lot: 112
Case Number(s): 16-BOA-002
CDD Case Manager: Anders Millmann

Project Description: Case No. 16-BOA-002

A request for approval of a waiver from a **required** front yard setback for the construction of a carport. **Per Sec. 16-272 (d) Projection into required yards (7) A carport, consisting of a roof that has no walls, or wholly or partially enclosed walls, except those that are part of the main structure, shall project no more than 40 percent of the distance into the required front yard setback. Per Section 16-537, the minimum required front yard setback specified in the Residential Site Development Requirements for the R-M District shall not be less than twenty (20') feet.** The property is located at 626 - 47th Street and is Zoned R-M (Residential Mixed).

Department Conditions:

Analyze the project in terms of each of the code requirements listed below as found in Section 16-157 of the County Code. If a particular criterion is not applicable to your department, mark it as "N/A". From the perspective of your department, please state how the proposed project does or does not meet the criteria listed, or what conditions or additional information would be necessary for the project to be approved. (Attach additional pages if necessary.)

Criterion A – Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement.

-AND-

Criterion B – The waiver request is caused by a practical difficulty or hardship inherent in the lot or lot improvements and the difficulty or hardship has not been self-imposed.

-AND-

Criterion C – Granting of the waiver will not create a health or safety hazard or violate building code requirements.

-AND-

Criterion D – Granting of the waiver will not create any significant negative physical impacts on property within 100 yards of the subject property such as reduced sight lines, loss of privacy, decreased security, increased noise, objectionable odors, intrusion of artificial light, the casting of unwanted shadows, or similar negative impacts.

General Observations and Comments:

Planning/Case Manager: The existing garage has a flat roof, and yes, snow will accumulate onto this roof, with perhaps the snow loads being occasionally compromised. However, the solution to this issue is to re-model this portion of the home with the addition of a pitched roof. This will avail the snow accumulation (and snow load) issue.

UPON A SITE INSPECTION CONDUCTED 10 MAY 2016, I NOTED THAT THERE ARE 3 VEHICLES CURRENTLY BEING STORED IN THE EXISTING GARAGE. ADDITIONALLY, THERE IS A PICKUP TRUCK AND A TRUCK CAMPER STORED ON THE DRIVEWAY PROPOSED TO BE COVERED BY THE CARPORT. THE SITE INSPECTION ALSO REVEALED THAT THE PROPOSED CARPORT WILL PROJECT A DISTANCE OF 23' 6" FROM THE EXISTING RESIDENCE, THEREBY PLACING THE NORTHWESTERN-MOST CORNER OF THE CARPORT AT THE EDGE OF THE SIDEWALK. THIS MAY IN FACT CROSS OVER THE PROPERTY LINE, AND BE SITED ONTO THE 47TH STREET RIGHT-OF-WAY. [THE SITE PLAN HAS SUBSEQUENTLY BEEN MODIFIED TO ILLUSTRATE A CARPORT MEASURING 17' 6" IN LENGTH, PLACING IT AT OR SLIGHTLY BEHIND THE PROPERTY LINE]. THE SOUTHWESTERN-MOST CORNER OF THE CARPORT WILL BE PLACED BETWEEN A WATER UTILITY METER AND AN OUTDOOR WATER SPIGOT. I WOULD ENCOURAGE THE PETITIONER TO HAVE THE PROPERTY SURVEYED AND STAKED, SHOULD THERE BE SUFFICIENT FINDINGS TO MOVE THE PETITION FORWARD TO A PUBLIC HEARING. [A CONDITION OF APPROVAL]

The lot configuration presents challenges, as it is quite irregularly-shaped (See Criterion B).

CRITERION C – THE CARPORT WILL PROJECT OUT TO THE FRONT PROPERTY LINE. I CANNOT STATE WITH CERTAINTY THAT THE CARPORT WILL OR WILL NOT CREATE A HAZARD TO PUBLIC SAFETY (SNOW FALLING FROM THE ROOF). THE PETITIONER HAS BEEN ASKED TO SUPPLY A FULLY-DIMENSIONED SITE PLAN SHOWING THE EXACT LOCATION OF THE PROPOSED CARPORT. [SUBMITTED]

Department Comments:

Public Works/Traffic & Streets: I would like to insure that the edge of the structure does not intrude past the property line, in addition I would like to know what roofing material will be used and what the plan will be to mitigate snow and ice (including icicles) falling off the roof onto the sidewalk. See my conditional approval attached. I'm not completely comfortable with the risk of snow and ice coming off the roof and landing in the sidewalk.
–Dan

Public Works/Traffic & Streets (First): It would appear that the structure would extend to the back of sidewalk; if that is indeed the case - this is unacceptable. Conditions of approval from Public Works Traffic & Streets are that the structure does not interfere with maintenance operations of the right of way infrastructure including snow removal or future

replacement of sidewalk. While stated above, the structure should not have walls that obstruct site distance including decorative columns that are large in nature and would potentially obstruct site distance.

Public Works/Engineering: All, I field verified the property corners on 626 47th today. The property line is approximately 4 feet behind back of sidewalk. I believe originally his request was to build to 6" behind sidewalk (believing his property line was in fact back of sidewalk). –Jason Romero

Public Works/Engineering: Looks like the leader line for the 4 ft. sidewalk is pointing to the wrong area. Given Jason's assessment, the space between the back of sidewalk and property line is also 4 ft. As the proposal encroaches into a 10 ft. utility easement, the applicant will be required to submit an application and permit to encroach forms requiring my and DPU approval at time of building permit if this variance is approved. Thanks, – Eric Martinez

Petitioner: Dear Mr Millmann,

Hans Leitner and I have made modified plans for my proposed garage roof and carport. They should simplify the project and improve both its function and appearance. I believe we have responded to the requirements listed in your May 16, 2016 letter.

Attached are the new Site Plan, plan view, west elevation, and north elevation drawings that Hans completed this morning. They show the revised 4 foot setback from the sidewalk, show clearance around the water meter and water spigot, and show complete integration of the carport structure with the garage and new garage roof. The setback provides ample space for the county's Bobcat snow removal and gives generous motorist visibility from the street. There should be no negative impact on existing easements, adjacent properties, or neighboring properties. The safety impact will be positive because it will eliminate falling safety hazards from snow and ice. Please let us know if additional information is needed.

Safety justification: (I believe this duplicates the garage roof and sloping driveway hazards already included in my Waiver Application.)

I had a birthday and am now 72 years old! This project will add a new garage roof and a carport to eliminate two safety hazards.

1. In past winters, snow has accumulated to greater than 6 foot depth below where it slides down from the house roof to the garage roof. The snow accumulates into the shade on the north side of the house. I have shoveled snow to relieve this persistent excess load from the garage roof. Using a ladder for access to- and shoveling snow from the roof is a safety hazard for me. The proposed pitched roof will eliminate the need to shovel snow from the existing flat garage roof.

2. Even in mild winters, ice and snow on the sloping driveway have caused me to fall. The proposed carport will eliminate the winter safety hazard for my sloping driveway.

Thank you again,

Willard Hemsing