

The Planning and Zoning Commission of the Town of Berthoud met for a special meeting on May 31, 2007 in the Board Room at Town Hall. Chairman Thorne called the meeting to order at 7:03 p.m.

MEMBERS PRESENT: Chairman Chris Thorne  
Vice Chairman Scott Banzhaf  
Jeff Hindman  
Ben Zink  
Brian Anderson  
John Bauer  
Rural Representative John Goreski

MEMBERS ABSENT: Stelios Androulidakis

STAFF/TOWN Planning Director Robert Anderson  
Planning Technician Sue Bowles

### **CONSENT AGENDA**

The Consent Agenda consisted of the minutes of the meetings of March 29<sup>th</sup>, April 12<sup>th</sup> and April 26<sup>th</sup>, 2007.

**Bauer asked that a change be made to the minutes of March 29<sup>th</sup> showing him as absent from that meeting. Hindman moved to approve the minutes of the meeting of March 29<sup>th</sup> with that correction. Second by Thorne. All members voted YES.**

**Bauer moved to approve the minutes of April 12<sup>th</sup> as presented. Second by Thorne. All members voted YES.**

**Thorne asked that the minutes of the meeting of April 26<sup>th</sup> be tabled noting that during that meeting he (Thorne) had asked Attorney Fickel about statutory requirements for noticing having been met in regards to Waggener Farm. Thorne requested that that exchange be included in the minutes.**

### **PUBLIC HEARING – 649 WELCH AVE – VARIANCE TO THE SIDE SETBACK REQUIREMENTS**

Director Anderson addressed the Commission noting that Richard and Susan Reinert, residents and owners of the property located at 649 Welch Avenue are requesting a variance to the minimum setback of fifteen feet to the entrance of a garage that faces a street, specifically Section 30-5-202.D.(7) of the Town of Berthoud Development Code. Due to structural safety issues, the existing garage that was located five feet (5'-0") into the Town's right-of-way had to be torn down. The applicant is requesting the variance to construct a garage at or near the property line on 7<sup>th</sup> Street. The request is to reduce the minimum setback from fifteen feet (15'-0") to zero feet (0'-0"), which represents a 100% reduction. However, the new garage will be set back two (2) feet further than the one that was torn down. Anderson noted that although staff doesn't typically recommend approval of variance requests, he does feel that this request is justified, and

TOWN OF BERTHOUD  
PLANNING COMMISSION  
REGULAR MEETING  
MAY 31, 2007  
Page 2 of 2

further noted that the Town's wide right-of-ways will continue to create this type of request. Staff will be looking at making a change to the Development Code in the future.

Rick with Vision Building and Design addressed the commission on behalf of the applicant explained that the issue came to light when they had the property surveyed in order to apply for a building permit for the new garage. He further noted that the style of the new garage will be board and batten, in keeping with the architecture of the house.

Chairman Thorne opened the public hearing. Brian Lock – 648 Welch Avenue said he thinks it's great you all come here every week looking at the big picture. I'm here because I just wanted to make sure it met the architectural style of the area.

There being no one else wishing to speak the hearing was closed and the matter brought back to the Commission for discussion.

Bauer noted and the consensus was that the garage will be at the same setback as the duplex to the south.

Hindman noted that one of the problems is the wide right of way.

Goreski noted that this issue has come up before and the Board recognized this was going to be a problem in historic Berthoud.

**Banzhaf moved to accept staff's recommendation and approve the variance for the side yard garage setback at 649 Welch with finding 1 – 7 of the staff report and with the condition that the new garage be built of quality materials and be compatible with the existing house. Second by Bauer. All members voted YES.**

The meeting adjourned at 7:25 p.m.

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Brian Anderson, Secretary

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Sue Bowles, Planning Technician