

**Board of Adjustment Agenda
Regular Meeting
Fort Lupton City Hall - 130 S. McKinley Ave.
Thursday, May 28, 2020
6:00 PM or immediately following the adjournment of the Planning Commission
meeting
(Order and Contents Subject to Change by Action of the Commission)**

Virtual Meeting Instructions (Optional)
To join the meeting from your computer, tablet or smartphone:
<https://global.gotomeeting.com/join/247460885>

You can also dial in using your phone.
United States (Toll Free): 1 877 309 2073
United States: +1 (312) 757-3129

Access Code: 247-460-885

**Additional information on attending this meeting either in person or virtually can
be found at the end of this Agenda.**

1. Call To Order - Roll Call
 - Mike Simone, Chairperson
 - Bushrod White, Vice-Chairperson
 - Lynne Derby
 - David Hushbeck
 - Kathy Kvasnicka
 - Thomas Meyers
 - Paul Weber
 - Mark Grajeda, Alternate
2. Approval Of Agenda
3. Consent Agenda
 - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Commission member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.
- 3.I. Approval Of The Minutes Of The February 10, 2020 Meeting
 - Documents:
 - [02-10-2020 BOARD OF ADJUSTMENT MINUTES.PDF](#)
4. Public Comment
 - This portion of the Agenda is provided to allow members of the audience to present comments to the Planning Commission related to items not otherwise listed on the Agenda.
5. Action Item
 - 5.I. BOA2020-001: Retana Variance
 - Documents:
 - [RESOLUTION NO. BOA2020-001.PDF](#)

RETANA STAFF REPORT.PDF
LAND USE APPLICATION.PDF
VARIANCE APPLICATION.PDF
IMPROVEMENT LOCATION CERTIFICATE.PDF
MAPS AND DRAWINGS.PDF
REFERRAL RESPONSES.PDF
LEGAL NOTIFICATIONS.PDF

6. Discussion Items
7. Future Business
8. Adjourn

Board of Adjustment Meeting Attendance Information

The meeting will be held at City Hall in the Council Chambers. You are welcome to attend either in person or remotely through GoToMeetings. For your safety and ours we will be enforcing social distancing protocols, including but not limited to, limiting the number of people allowed into Council Chambers at a time, encouraging the use of face masks, and requiring a six-foot separation. Additional instructions on meeting conduct will be provided prior to the start of the meeting.

Virtual Meeting Instructions

If you would like to participate remotely, we encourage you to test the phone number and links provided below prior to the start of the meeting, as each device requires initial adjustment. It is also recommended to log into the meeting early, and if you encounter any issues to call 303-304-4498 or email PlanningDept@fortluptonco.gov immediately.

When calling in, please be sure to mute your microphone on your computer, phone or tablet. Planning staff and/or the Chairman of the Planning Commission will provide instructions on when and how comments can be made by the public virtually.

To join the meeting by computer, tablet or smartphone:

<https://global.gotomeeting.com/join/247460885>

To join the meeting by phone (include Access Code listed below):

United States (Toll Free): 1 877 309 2073

United States: +1 (312) 757-3129

Access Code: 247-460-885

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/247460885>

**RECORD OF PROCEEDINGS
FORT LUPTON BOARD OF ADJUSTMENT
February 10, 2020**

The Board of Adjustment of the City of Fort Lupton met in session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the Board of Adjustment, on Monday, February 10, 2020 at 6:10 PM.

ROLL CALL

Roll was taken and those present were Board Members Mark Grajeda, Robert Cardenas, Justin Ceretto, and Lynne Derby. Also present were Planning Director Todd Hodges, City Planner I Maria Lancto, and Planning Technician Stephanie Darnell.

APPROVAL OF AGENDA

Member Mark Grajeda asked for a motion to approve the agenda. It was moved by Member Justin Ceretto and seconded by Member Lynne Derby to approve the agenda as submitted.

Motion carried unanimously by a voice vote.

CONSENT AGENDA

Member Mark Grajeda asked for a motion to approve the consent agenda. It was moved by Member Lynne Derby and seconded by Member Roberto Cardenas to approve the consent agenda as submitted.

Motion carried unanimously by a voice vote.

ACTION ITEM

Election of Chairperson

Member Mark Grajeda made a motion to nominate Member Lynne Derby to serve as Chairperson and it was seconded by Member Robert Cardenas.

Motion carried unanimously by a voice vote.

Newly appointed Chairperson Lynne Derby facilitated the remainder of the meeting.

DISCUSSION ITEMS

Update on projects completed by Planning Department

Discussion about completing an administrative variance for a three (3) car garage for a D.R. Horton property took place.

Planning Director Todd Hodges stated that there may be one more meeting that will need to occur before Planning Commission and Board of Adjustment are combined.

**RECORD OF PROCEEDINGS
FORT LUPTON BOARD OF ADJUSTMENT
February 10, 2020**

Combining Board of Adjustment with Planning Commission

Mr. Hodges informed the board that staff is working on the ordinance to combine to two boards. He stated that once the ordinance change is submitted, the process would take at least sixty (60) days out for completion.

A brief discussion about incorporating the two boards took place.

FUTURE BUSINESS

ADJOURNMENT

It was moved by Member Robert Cardenas and seconded by Member Justin Ceretto to adjourn the February 10, 2020 Board of Adjustment meeting at 6:20 p.m.

Motion carried on voice vote.

Stephanie Darnell, Planning Technician

Approved by Board of Adjustment

Lynne Derby, Chairperson

RESOLUTION NO. BOA2020-001

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF FORT LUPTON APPROVING AGUSTIN AND BRENDA RETANA'S REQUEST TO KEEP TWO SHEDS AND A CONCRETE PATIO ON THE PROPERTY LOCATED AT 906 FIR AVENUE, FORT LUPTON, COLORADO.

WHEREAS, the Board of Adjustment held a public hearing on May 28, 2020, to consider and review Agustin and Brenda Retana's application for a variance from Sections 16-36(e), 16-36(f), and 16-36(i) of the Fort Lupton Municipal Code for two sheds and a concrete patio located at 906 Fir Avenue, Fort Lupton, Colorado; and

WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within one hundred (100) feet of the property, and the posting of a sign on the site advertising the public hearing a minimum of fifteen (15) days in advance of the hearing; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton Board of Adjustment took into consideration any supporting documentation for the variance request, staff comments, as well as the applicant's presentation and any citizen input in response to this application. Based upon review of the applicable policies and goals in the Fort Lupton Zoning Regulations, the Board of Adjustment hereby approves a variance, conditional upon the following:

A. Prior to dismissal of the violation:

- I. The Applicant will provide a written statement agreeing to immediately remove all structures at their own expense at the request of the City of Fort Lupton or a utility provider working within the utility easement.
- II. The Applicant must obtain a building permit for the sheds.
- III. The Applicant must obtain a permit for the concrete patio.
- IV. The Applicant will install a gate along the rear of the property in order for United Power to access the utility easement.

DONE THIS 28th DAY OF MAY, 2020 BY THE BOARD OF ADJUSTMENT FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

**RETANA VARIANCE
VARIANCE REQUEST STAFF REPORT
Project No. LUP2020-0005 & Plan No. VAR2020-0001**

PROJECT DESCRIPTION

Project No.: LUP2020-0005 / Plan No. VAR2020-0001

Project Name: Retana Variance

Owner's Name: Agustin and Brenda Retana ("Applicants")

Representative: N/A

Location of Request:

The site is located in a part of the Southeast Quarter of Section 32, Township 2 North, Range 66 West of the Sixth Principal Meridian, City of Fort Lupton, State of Colorado. It is located at 906 Fir Avenue, Fort Lupton, Colorado, and is approximately 0.03 miles northeast of the intersection of Fir Avenue and 9th Street ("Property").



Nature of Request:

The Applicant is seeking a variance for two existing sheds and an existing concrete patio. No permits exist with the City for these items. The sheds and patio infringe on rear and side yard setbacks. Additionally, the sheds are situated over a 10-foot utility easement located in the rear of the yard. The applicant is requesting that the sheds and patio remain in their current locations.

The shed situated on the north side of the property was existing when the applicant purchased the home in 2009. The shed situated on the south side of the property was also in existence when the applicant purchased the home, however this shed was moved into the 10-foot utility easement in 2016. The applicant believes this shed would not withstand another move. The concrete was poured by the applicant in 2016. Because the Applicant is already applying for a variance for the sheds, they believe the patio should be included with this application. The Applicant understands that if the variance is granted, they may still be asked to remove all items at their own expense if access to the utility easement is required.

Please view the attached application materials submitted by the Applicant for more information on the requested variance.

Site Size: The Property is 0.144 acres, more or less.

Zone District: 'R-2' Residential District – Medium Density.

Proposed Use: The use of the property would not change. The applicant is requesting that two existing sheds and an existing concrete patio are allowed to remain.

Existing Use: The property is an existing residence with two sheds and a concrete patio.

Hearing Date: Thursday, May 28, 2020 at 6:00 PM, or immediately following the adjournment of the Planning Commission meeting.

Hearing Location: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado.

Staff Recommendation: Approval with conditions, as shown on the proposed resolution.

APPLICATION PROCESS

The Applicant is requesting approval of a variance. A variance is processed under [Section 16-13](#) of the Fort Lupton Municipal Code (“Code”).

After required public notice of the variance application, the Board of Adjustment shall consider the application, and any public testimony at a public hearing and shall, by resolution, approve, approve with conditions or deny the variance based on criteria listed below. Findings and conclusions of any variance approved by the Board shall be stated in writing in the minutes of the Board with the justifications set forth.

The Planning Department shall advise the applicant of the Board of Adjustment decision and of any conditions contained in the Board’s decision.

Resolutions of the Board of Adjustment granting variances shall be recorded with the Weld County Clerk and Recorded at the expense of the applicant.

Any appeal of the decision of the Board of Adjustment may be made to the District Court as provided by law; provided, however, that such appeal must be made prior to thirty (30) days following the date of the final action taken by the Board of Adjustment, as provided by Rule 106, Colorado Rules of Civil Procedure.

The Board of Adjustment shall not grant a variance to the Code, which:

- a. Permits a land use not allowed in the zoning district in which the property is located;
- b. Is in the public right-of-way or on public property;
- c. Alters any definition of the Code;
- d. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the Code;
- e. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the Code;
- f. Is based exclusively on findings of personal or financial hardship. The Board may consider the hardship the applicant may suffer, as long as the applicant did not create his or her own hardship. Buying property without being aware of available facts about the property does not create a hardship. Failing to verify or misinterpretation by the applicant of any City code does not create a hardship. Convenience, profit or caprice shall not constitute undue hardship; or
- g. Will result in the extension of a nonconforming situation, use, building or lot; authorize the initiation of a nonconforming use of land or conflict with the goals and policies of the Comprehensive Plan.

In order to grant a variance to the Code, the Board of Adjustment shall find that all the following have been satisfied:

- a. That there are unique physical circumstances or conditions of the land such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition of the land particular to the affected property;
- b. That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the Code;
- c. That such unique physical circumstances or conditions are unique and unusual or nearly so, rather than shared by many surrounding properties;
- d. That, due to such unique physical circumstances or conditions of the land, the strict application of the Code would create a demonstrated hardship;
- e. That the demonstrable hardship is not self-imposed;
- f. That the hardship or poor land use of which the applicant complains is one suffered by the applicant alone and not by neighbors or the general public;
- g. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or the neighborhood;
- h. That the variance, if granted, is in keeping with the intent of the Code;
- i. That the variance, if granted in a floodplain or floodway, meets the requirements of floodplains and floodways of this Code and any other applicable law;
- j. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the City; and

k. That the variance requested is the minimum necessary to provide relief.

NOTIFICATION REQUIREMENTS

The Zoning Regulations require published notice of the hearing at least fifteen (15) days prior to the hearing. The Board of Adjustment hearing was published in the Fort Lupton Press on May 13, 2020.

Notice of the public hearings was posted on May 13, 2020 at the Property, which is at least fifteen (15) days prior to the hearings, as required by the Zoning Regulations.

Notice was mailed to neighbors within one-hundred (100) feet of the Property on May 12, 2020, as required by the Zoning Regulations of the Code.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The property is located within the ‘R-2’ Residential – Medium Density Zone District. Within this zone district, accessory buildings, including sheds, are included as permitted uses.

The following characteristics of the ‘R-2’ zone district are outlined in the Municipal Code:

1. The rear yard setback is 20 feet (Sec. 16-36(e)).
 - a. Patios may not extend more than 10 feet into the rear yard setback (Sec. 16-36(e)).
2. The side yard setback is 5 feet (Sec. 16-36(f)).
3. Accessory buildings or utility sheds may not be located so as to encroach on easements (Sec. 16-36(i)).

The north shed is situated 3 feet from the rear property line, 2 feet from the north property line, and 7 feet into the utility easement. The south shed is situated 5 feet from the rear property line, 1 foot from the south property line, and 5 feet into the utility easement. The concrete patio extends to the rear property line and into the entire 10-foot utility easement. In order for this property to be in compliance, these structures will need to be removed or the applicant will obtain a variance from the Board of Adjustments for these items.

The variance process is intended to provide relief to persons who are unable to conform to the provisions of this Chapter due to unusual circumstances or hardship, and who meet the criteria for issuance of a variance by the Board of Adjustments. These criteria were outlined above.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as the Single Family Detached land use type. The subject items of the variance request compliment to this land use type.

REFERRALS

Referrals were provided to the list below. Any comments received are enclosed with the Board of Adjustment packet.

| | | |
|-----------------------|--------------------------------------|----------------|
| Building Inspector | CenturyLink | City Attorney |
| Comcast | Fort Lupton Fire Protection District | GIS Specialist |
| Public Works Director | United Power | Xcel Energy |

STAFF RECOMMENDATION

Staff has determined that the proposed variance for two existing sheds and an existing concrete patio to remain at their current locations can meet the intent of Section 16-13 of the Code based on the pre-existing circumstances and through the conditions of approval. The requirements for sheds and flat work in the City of Fort Lupton is currently under review. Staff have been having conversations with the building officials that some the existing requirements may be eliminated or modified in the City Municipal code based on current and future building codes requirements.

For more information on this development, please refer to the Board of Adjustment packet provided. Additional documents are available for review at the Fort Lupton City Hall.



COME PAINT YOUR FUTURE WITH US

Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

1) Property Owner Name: Agustin Retana + Brenda Retana

Company: _____

Phone: 720-933-7083 Email: brendasperez75@gmail.com

Address: 906 Fir Avenue Fort Lupton CO. 80621

Preferred method of contact? Email: Phone: Mail:

2) Representative Name: _____

Company: _____

Phone: _____ Email: _____

Address: _____

Preferred method of contact? Email: Phone: Mail:

3) Billing Contact (where invoices should be directed to): Agustin Retana

Billing Company: _____

Phone: _____ Email: _____

Address: _____

B. SITE DESCRIPTION

Site Address: 906 Fir Avenue Fort Lupton

Parcel Number: R2130932406018

Existing Zone Classification: _____ Proposed Zone Classification: _____

Water Type: _____ Name: _____

Sewage Type: _____ District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

- | | | |
|---|--|---|
| <input type="checkbox"/> Sketch Plat | <input type="checkbox"/> Administrative Site Plan | <input type="checkbox"/> PUD Plan (Preliminary & Final) |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Oil & Gas Permit | <input type="checkbox"/> Administrative Variance |
| <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Annexation & Initial Zone | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Amended Plat | <input type="checkbox"/> Change of Zone | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Comp Plan Amendment | |

D. PROJECT DESCRIPTION

Project Name: _____

Please provide a short description of the proposed project in the space provided below:

Accessory building 12x16, Shed 8x12
Built before house

Concrete Patio 25'8" X 28'6"

E. REQUIRED DOCUMENTS

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

F. CERTIFICATIONS

Representative Certification

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: _____ Date: _____

Owner Certification

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I hereby authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: [Signature] Date: 1/30/2020

For Office Use Only

Received Date: _____

If the application is not complete, state reasons why it is incomplete:

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____

Instructions for Submitting the Land Use Application Form

DEFINITIONS

Words in the singular include the plural and words in the plural include the singular.

Application refers to the official submittal to the City of Fort Lupton's Planning Department for review of the proposed land use development identified in the land use application form. The application includes the form, all materials submitted for review of the project, including those documents required under the Land Use Regulations of the Municipal Code, and any additional information provided.

Project refers to the land use development identified on the land use application form and application materials.

Property refers to the land that is being proposed for development as described in the land use application form and application materials.

A. CONTACT INFORMATION

- 1) Provide contact information for all owners of any property that is the subject of the application. If the contact information for all property owners will not fit on the space provided, submit a separate sheet for the additional owners.
- 2) Provide contact information for all persons, firms or businesses that are authorized by the owners identified in Section A(1) to work on the land use application, including, but not limited to, discussing the project, submitting application materials, and attending meeting and hearings. If the contact information for all representatives will not fit on the space provided, submit a separate sheet for the additional representatives.
- 3) Provide contact and mailing information for the person that should receive all invoices for the project. If this person changes at any time, contact the Planning Department immediately to update this information.

B. SITE DESCRIPTION

Provide all information requested. Parcel numbers and address information may be found at the Weld County Property Portal at <https://www.co.weld.co.us/maps1/propertyportal/>. Current zoning can be found at <http://www.fortlupton.org/405/Zoning>.

C. APPLICATION TYPE

Select the land use application that is applicable to the project. If there are multiple land use application types being submitted to run concurrently, select all that apply. The land use application types will be identified during the required pre-application meeting. If you have any questions about this, please contact the Planning Department at 303.857.6694 or planningdept@fortlupton.org.

D. PROJECT DESCRIPTION

Please select a project name that will be referenced throughout the project and a description of what the project entails. If you need more space for the project description, please attach a separate sheet.

E. REQUIRED DOCUMENTS

Required documents will be discussed during the pre-application meeting with the Planning Department. If any documents are missing, the acceptance of the application may be delayed until the submittal is complete.

F. CERTIFICATIONS

Representative Certification. Provide the signature of all authorized representatives in this section.

Owner Certification. Provide the signature of all owners of properties included in the application in this section.

For any other questions, please contact the Planning Department at 303.857.6694 or planningdept@fortlupton.org.



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Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortlupton.org

Phone: 303.857.6694
Greeley: 970.346.0326
Fax: 303.857.0351

Variance Application

A preapplication conference and site visit may be required prior to submitting the Variance Application. The applicant may meet with representatives from the Planning Department to discuss the applicant's intended submittal, the criteria for issuance of a variance, the City's application requirements and processes and other information relevant to the proposed application. Please contact the Planning Department at 720-466-6107.

Section A: Owner Information

Applicant Name: Retana Agustin & Brenda Phone: 720-933-7083
Address: 906 Fir Avenue
Fort Lupton CO. 80621

Owner Name: Agustin Retana Phone: 720-933-7082
Address: 906 Fir Avenue
Fort Lupton CO. 80621

Legal Description: Accessory building 12x16, shed 8x8, and concrete patio 25'8" x 28'6"

Parcel Size: _____ Sqft

Section B: Proposed Project Information

Description of proposed project (check all that apply)

- Radio button options: New structure, Addition, Change of use, Remodel, Redevelopment, Accessory structure, Mobile home, Attached garage, Detached garage, Other (describe) Shed and concrete patio

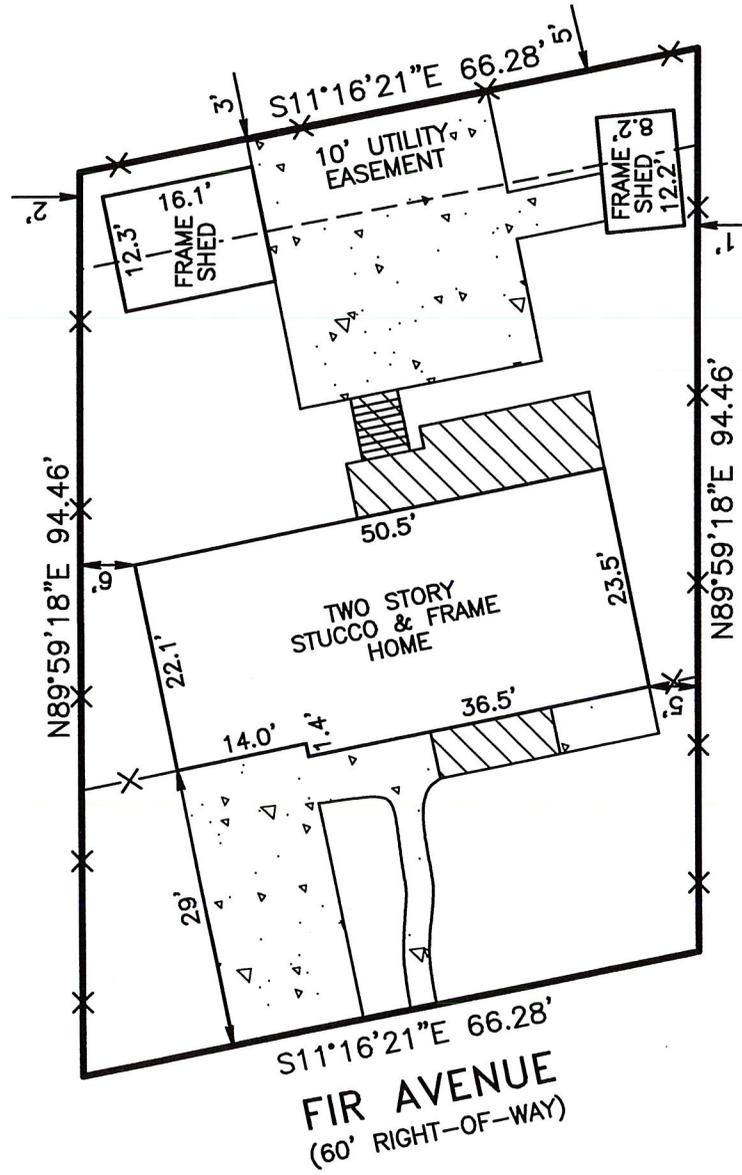
Existing Use (circle one): residential, non-residential, mixed use, vacant ground

Proposed Use (circle one): residential, non-residential, mixed use

Other: _____

IMPROVEMENT LOCATION CERTIFICATE

RECEIVED
 JAN 30 2020
 BY:



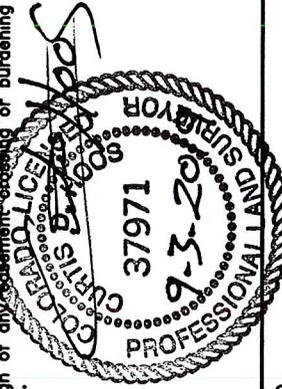
906 FIR AVENUE
 BRENDA AND AGUSTIN RETANA

LEGAL DESCRIPTION PROVIDED BY:
 WELD COUNTY RECORDS,
 LOT 18, BLOCK 6,
 MONTVIEW,
 COUNTY OF WELD, STATE OF COLORADO.

I hereby certify that this improvement location certificate was prepared for:
 BRENDA & AGUSTIN RETANA,
 THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, and that
 IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF A FENCE, BUILDINGS,
 OR FUTURE IMPROVEMENT LINES.

This certificate is valid for use by: BRENDA & AGUSTIN RETANA, and describes the
 parcel's appearance on: AUGUST 28, 2019
 I further certify that the improvements on the above described parcel on this date,
 08-28-2019, except utility connections, are entirely within the boundaries of the
 parcel, except as shown, that there are no encroachments upon the described
 premises by improvements on any adjoining premises, except as indicated, and
 that there is no apparent evidence or sign of any encroachment, easement or burdening
 any part of said parcel, except as noted.

Curtis D. Hoos, PLS 37971
 For and on behalf of:
 American West Land Surveying Co.,
 A Colorado Corporation



- LEGEND:
- = FOUND PIN AS NOTED HEREON.
 - + = OFFSET CROSS IN CONCRETE.
 - X— = FENCE LINE.
 - ▨ = CONCRETE.
 - ▩ = WOOD DECKING.

DRAWN BY: CDH
 FIELD: CDH

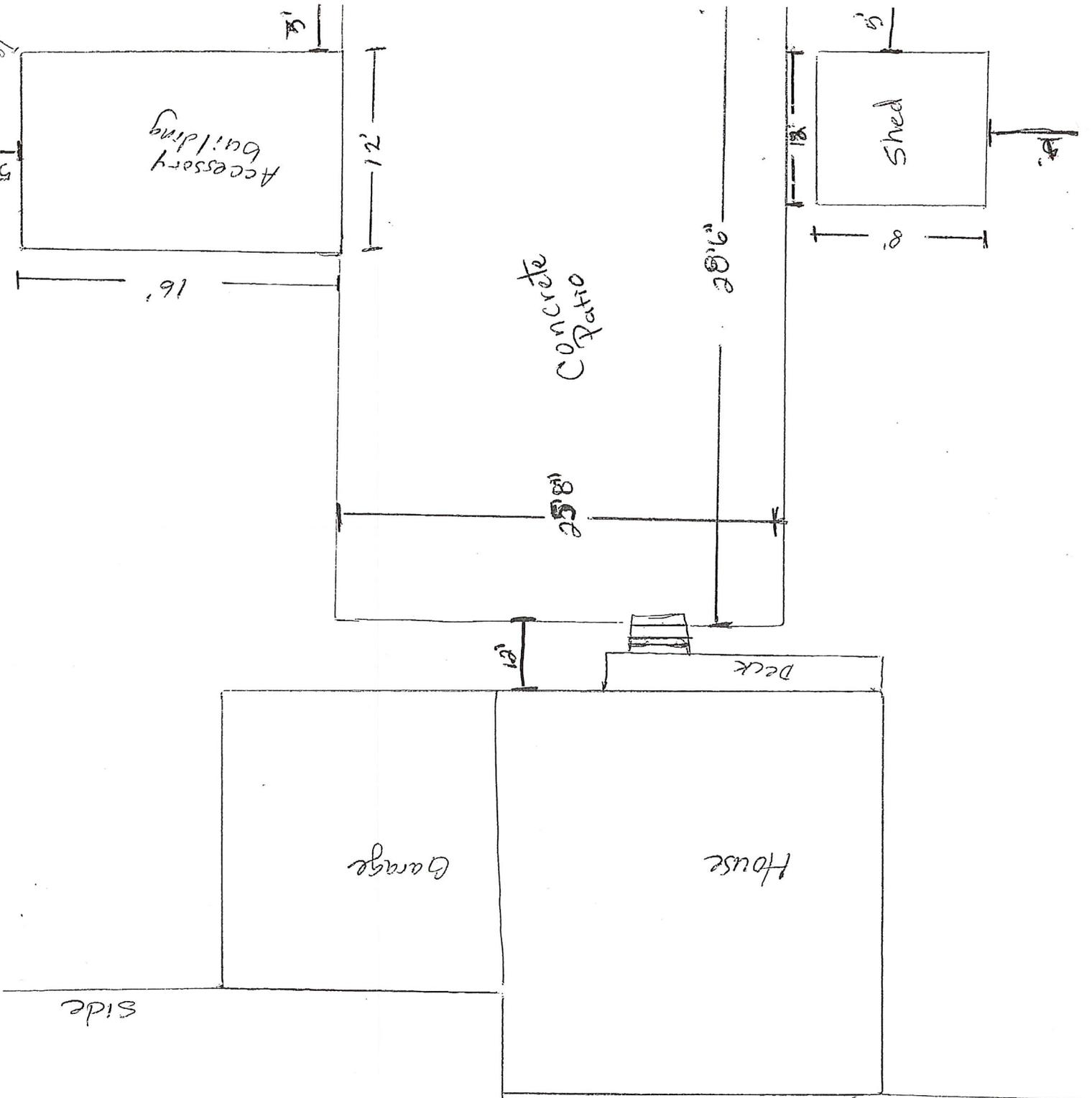


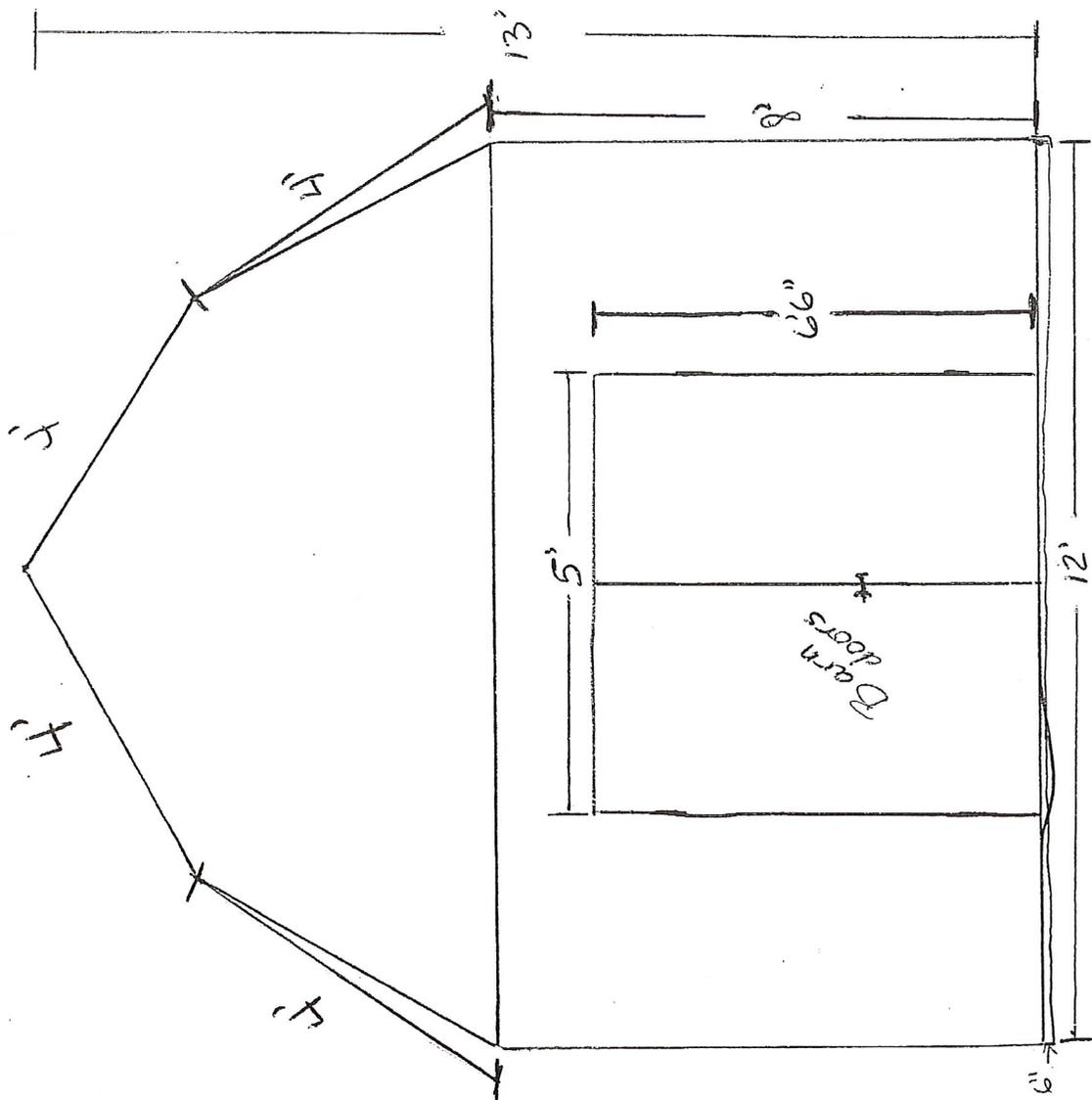
906 Fir Street

FRONT YARD

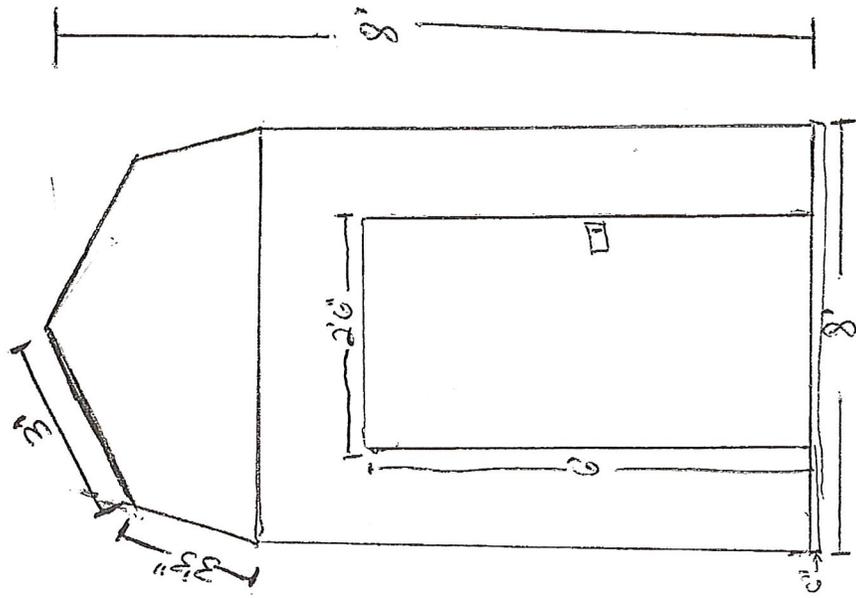
side

side





2 windows 3x5
 Left
 Right
 1 window 3x4'6"



No windows

Maria Lancto

From: Taw Tamlin <ttamlin@ftluptonfire.com>
Sent: Tuesday, May 12, 2020 3:04 PM
To: Maria Lancto
Cc: Alyssa Knutson; Stephanie Darnell; Todd Hodges
Subject: Re: Referral Response Request: Retana Variance; LUP2020-0005; VAR2020-0001

The Fort Lupton Fire Protection District has no comments or concerns with this subject.

Taw Tamlin, Fire Marshal
Fort Lupton Fire Protection District
303-857-4603

From: Maria Lancto <MLancto@Fortluptonco.gov>
Sent: Monday, May 11, 2020 8:24 AM
To: Maria Lancto <MLancto@Fortluptonco.gov>
Cc: Alyssa Knutson <AKnutson@Fortluptonco.gov>; Stephanie Darnell <sdarnell@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>
Subject: Referral Response Request: Retana Variance; LUP2020-0005; VAR2020-0001

Good Morning,

The documentation located at the following link is submitted to you for review and recommendation for a Variance that is being reviewed concurrently by the City of Fort Lupton. The application documents can be reviewed at the following link: [Retana Variance](#).

Any comments you consider relevant to this request would be appreciated. Please reply by **May 25, 2020**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The public hearings for this matter will be held at Fort Lupton City Hall – 130 S. McKinley Avenue, unless otherwise stated on the City of Fort Lupton website, and are scheduled for the following dates:

- **Board of Adjustments on Thursday, May 28, 2020 at 6:00 PM**

Comments may be sent via mail, faxed to 303.857.0351 or emailed to planningdept@fortluptonco.gov.

Your time in this matter is greatly appreciated!

Thank you,

Maria Lancto
Planner I
130 S. McKinley Ave.
Fort Lupton, CO 80621
Office: 303.857.6694
Cell: 303.718.0172



The information transmitted is intended only for the person or entity to which it is addressed and may contain CONFIDENTIAL material. If you receive this information in error, please delete or destroy the information.

From: [Jay Mendoza](#)
To: [Maria Lancto](#)
Cc: [Alyssa Knutson](#); [Stephanie Darnell](#); [Todd Hodges](#); [Samantha Riblett](#)
Subject: RE: Referral Response Request: Retana Variance; LUP2020-0005; VAR2020-0001
Date: Monday, May 11, 2020 12:30:27 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)

I called and spoke with the applicant and she explained that the easement is free and accessible. After visiting the site, my only comment is that the applicant installs a gate to allow access to the transformer from her property. They have currently fenced off the easement, but only a few feet. This causes a dangerous situation for my guys to access the transformer and does not allow enough space to work with a hot stick. We must have at least 10 feet from the transformer door to work an outage. The properties to the east have installed a fence right up to the back side of the transformer, which will pose an issue should that transformer ever catch fire.

Thank you for sending this to us, I believe we can work with them to achieve a win-win situation here.



Thanks,

Jay Mendoza
Community Affairs Representative

United Power
500 Cooperative Way, Brighton, CO 80603
www.unitedpower.com :: [Facebook](#) :: [Twitter](#)



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"The heart and soul of business is relationships. The foundation of relationship is trust. Working to elevate business one trusting relationship at a time."

From: Maria Lancto <MLancto@FortLuptonco.gov>
Sent: Monday, May 11, 2020 11:36 AM
To: Jay Mendoza <jmendoza@unitedpower.com>
Cc: Alyssa Knutson <AKnutson@FortLuptonco.gov>; Stephanie Darnell <sdarnell@FortLuptonco.gov>; Todd Hodges <thodges@FortLuptonco.gov>; Samantha Riblett <sriblett@UnitedPower.com>
Subject: RE: Referral Response Request: Retana Variance; LUP2020-0005; VAR2020-0001

CAUTION: This email originated from outside of United Power. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Jay, I appreciate you taking the time to look into this.

Maria Lancto
Planner I
130 S. McKinley Ave.
Fort Lupton, CO 80621
Office: 303.857.6694
Extension: 6107
Cell: 303.718.0172



From: Jay Mendoza [<mailto:jmendoza@unitedpower.com>]
Sent: Monday, May 11, 2020 11:33 AM
To: Maria Lancto <MLancto@FortLuptonco.gov>
Cc: Alyssa Knutson <AKnutson@FortLuptonco.gov>; Stephanie Darnell <sdarnell@FortLuptonco.gov>; Todd Hodges <thodges@FortLuptonco.gov>; Samantha Riblett <sriblett@UnitedPower.com>
Subject: RE: Referral Response Request: Retana Variance; LUP2020-0005; VAR2020-0001

Thank you, Maria. I think the biggest issue for me now that I know that is can my guys access the transformer. I will take a trip out there and physically look at what they have going on. I will get back to you.

Thanks,

Jay Mendoza
Community Affairs Representative

United Power
500 Cooperative Way, Brighton, CO 80603
www.unitedpower.com :: [Facebook](#) :: [Twitter](#)



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"The heart and soul of business is relationships. The foundation of relationship is trust. Working to elevate business one trusting relationship at a time."

From: Maria Lancto <MLancto@FortLuptonco.gov>
Sent: Monday, May 11, 2020 11:26 AM
To: Jay Mendoza <jmendoza@unitedpower.com>
Cc: Alyssa Knutson <AKnutson@FortLuptonco.gov>; Stephanie Darnell <sdarnell@FortLuptonco.gov>; Todd Hodges <thodges@FortLuptonco.gov>; Samantha Riblett <sriblett@UnitedPower.com>
Subject: RE: Referral Response Request: Retana Variance; LUP2020-0005; VAR2020-0001

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Thank you for your response,

You are correct that the structures are already built. The applicant is seeking a variance in order to avoid removing the sheds and patio. Your response will help City Staff and the Board of Adjustments determine if this variance should be approved or denied.

Best,

Maria Lancto
Planner I
130 S. McKinley Ave.
Fort Lupton, CO 80621
Office: 303.857.6694
Extension: 6107
Cell: 303.718.0172



From: Jay Mendoza [<mailto:jmendoza@unitedpower.com>]
Sent: Monday, May 11, 2020 11:22 AM
To: Maria Lancto <MLancto@FortLuptonco.gov>
Cc: Alyssa Knutson <AKnutson@FortLuptonco.gov>; Stephanie Darnell <sdarnell@FortLuptonco.gov>; Todd Hodges <thodges@FortLuptonco.gov>; Samantha Riblett <sriblett@UnitedPower.com>
Subject: RE: Referral Response Request: Retana Variance; LUP2020-0005; VAR2020-0001

Good morning,

United Power has an underground secondary that runs along the rear property line in the 10' utility easement. All easements are to be free and clear of any permanent structure in case access to that underground conductor is needed. We recommend the applicant relocate proposed structures to keep the utility easement free and clear of any permanent structure.

Upon review of the property, it appears the structures are already built. Attached is a google earth image of the property. Please confirm if this is the case.

Thanks,

Jay Mendoza
Community Affairs Representative

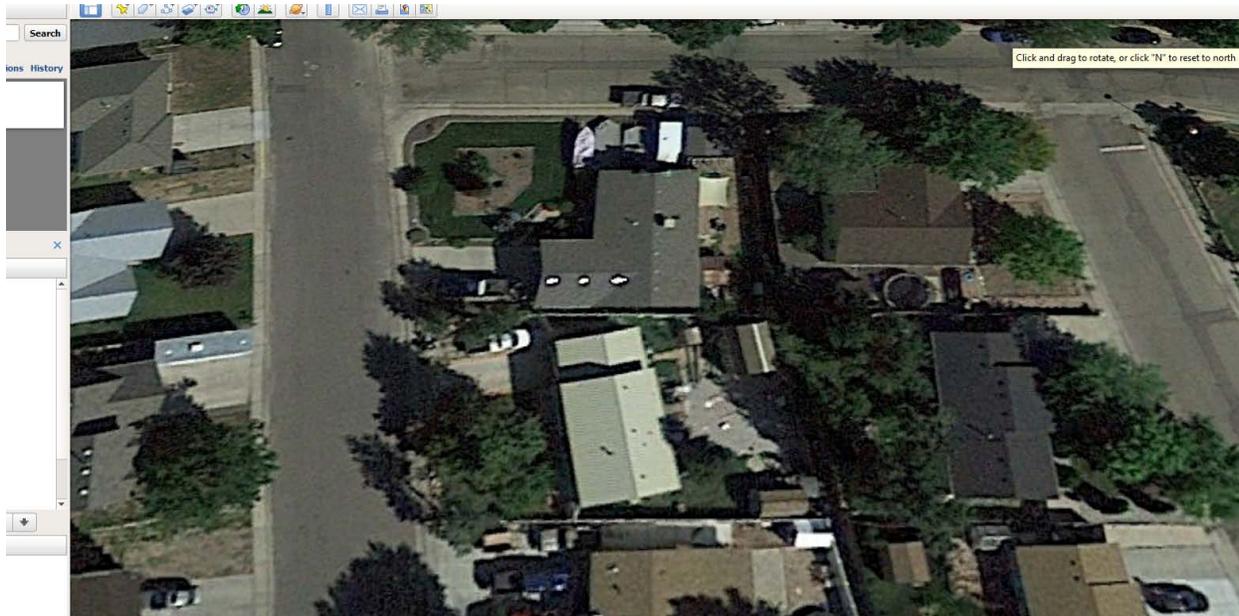
United Power
500 Cooperative Way, Brighton, CO 80603
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"The heart and soul of business is relationships. The foundation of relationship is trust. Working to elevate business one trusting relationship at a time."

Subject property is the light-colored roof in the middle of the picture.



From: Maria Lancto <MLancto@FortLuptonco.gov>
Sent: Monday, May 11, 2020 8:25 AM
To: Maria Lancto <MLancto@FortLuptonco.gov>
Cc: Alyssa Knutson <AKnutson@FortLuptonco.gov>; Stephanie Darnell <sdarnell@FortLuptonco.gov>; Todd Hodges <thodges@FortLuptonco.gov>
Subject: Referral Response Request: Retana Variance; LUP2020-0005; VAR2020-0001

CAUTION: This email originated from outside of United Power. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

The documentation located at the following link is submitted to you for review and recommendation for a Variance that is being reviewed concurrently by the City of Fort Lupton. The application documents can be reviewed at the following link: [Retana Variance](#).

Any comments you consider relevant to this request would be appreciated. Please reply by **May 25, 2020**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The public hearings for this matter will be held at Fort Lupton City Hall – 130 S. McKinley Avenue, unless otherwise stated on the City of Fort Lupton website, and are scheduled for the following dates:

- **Board of Adjustments on Thursday, May 28, 2020 at 6:00 PM**

Comments may be sent via mail, faxed to 303.857.0351 or emailed to planningdept@fortluptonco.gov.

Your time in this matter is greatly appreciated!

Thank you,

Maria Lancto
Planner I
130 S. McKinley Ave.
Fort Lupton, CO 80621
Office: 303.857.6694
Cell: 303.718.0172



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Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

May 26, 2020

City of Fort Lupton Planning Department
130 South McKinley Avenue
Fort Lupton, CO 80621

Attn: Alyssa Knutson and Todd Hodges

Re: Retana Variance, Case #s LUP2020-005 and VAR2020-0001

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the documentation for **Retana Variance** and has **no conflict**.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a Variance known as the Retana Variance located at 906 Fir Avenue in the 'R-2' Medium Density Residential Zone District within the City of Fort Lupton, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearing is to be held before the Board of Adjustments on May 28, 2020, at 6:00 P.M., or as soon as possible thereafter.

The public hearing shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall remains closed at the time of the hearing, the public hearing will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearing will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

**ALL INTERESTED PERSONS
MAY ATTEND**

LEGAL DESCRIPTION

LOT 18, BLOCK 6, MOUNTIAN-VIEW, IN THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

Sign Posting Affidavit

LUP2020-0005; VAR2020-0001



I, Agustin & Brenda hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 13 day of April, 2020.

Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Brenda Retana this 15th day of May, 2020. Witness my hand and seal.

My commission expires December 31, 2022

Notary Public

(SEAL)

AMBER PHILLIPS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144004824
MY COMMISSION EXPIRES DECEMBER 31, 2022



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 12th day of May 2020, a true and correct copy of the foregoing Notice of Public Meeting for the Retana Variance was sent via U.S. Mail, postage pre-paid, to the following addresses:

ONDISH MATTHEW S
901 FIR AVE
FORT LUPTON, CO 80621

MOSQUEDA JAVIER
MOSQUEDA JOSE ROBERTO
903 FIRE AVE
FORT LUPTON, CO 80621

COX BRITTANY
COX COREY
905 FIR AVE
FORT LUPTON, CO 80621

HOGELIN CONSUELO JASO
HOGELIN JOSEPH E
907 FIR AVE
FORT LUPTON, CO 80621

RODRIGUEZ SAVANA
DERRERA CHARLENE
909 FIR AVE
FORT LUPTON, CO 80621

VOGELSANG VINONA
VOGELSANG JAMES LEE
901 GREENWOOD CT
FORT LUPTON, CO 80621

MULL MICHAEL
903 GREENWOOD CT
FORT LUPTON, CO 80621

CASTILLO ELSE
CASTILLO ARTURO
905 GREENWOOD CT
FORT LUPTON, CO 80621

RETANA BRENDA
RETANA AGUSTIN
906 FIR AVE
FORT LUPTON, CO 80621

RAMOS JANETT
904 FIR AVE
FORT LUPTON, CO 80621

RIPKA THELMA B
RIPKA JAMES R
902 FIR AVE
FORT LUPTON, CO 80621

HART CHERYL A
HART RONALD D
2002 HICKORY ST
FORT LUPTON, CO 80621

LEYVA VICTOR M
907 GREENWOOD CT
FORT LUPTON, CO 80621



City Official



**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

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ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

LOT 18, BLOCK 6, MOUNTIANVIEW, IN THE CITY OF FORT LUPTON,
COUNTY OF WELD, STTE OF COLORADO.

**ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT
BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROWS TITLED: RETANA VARIANCE**