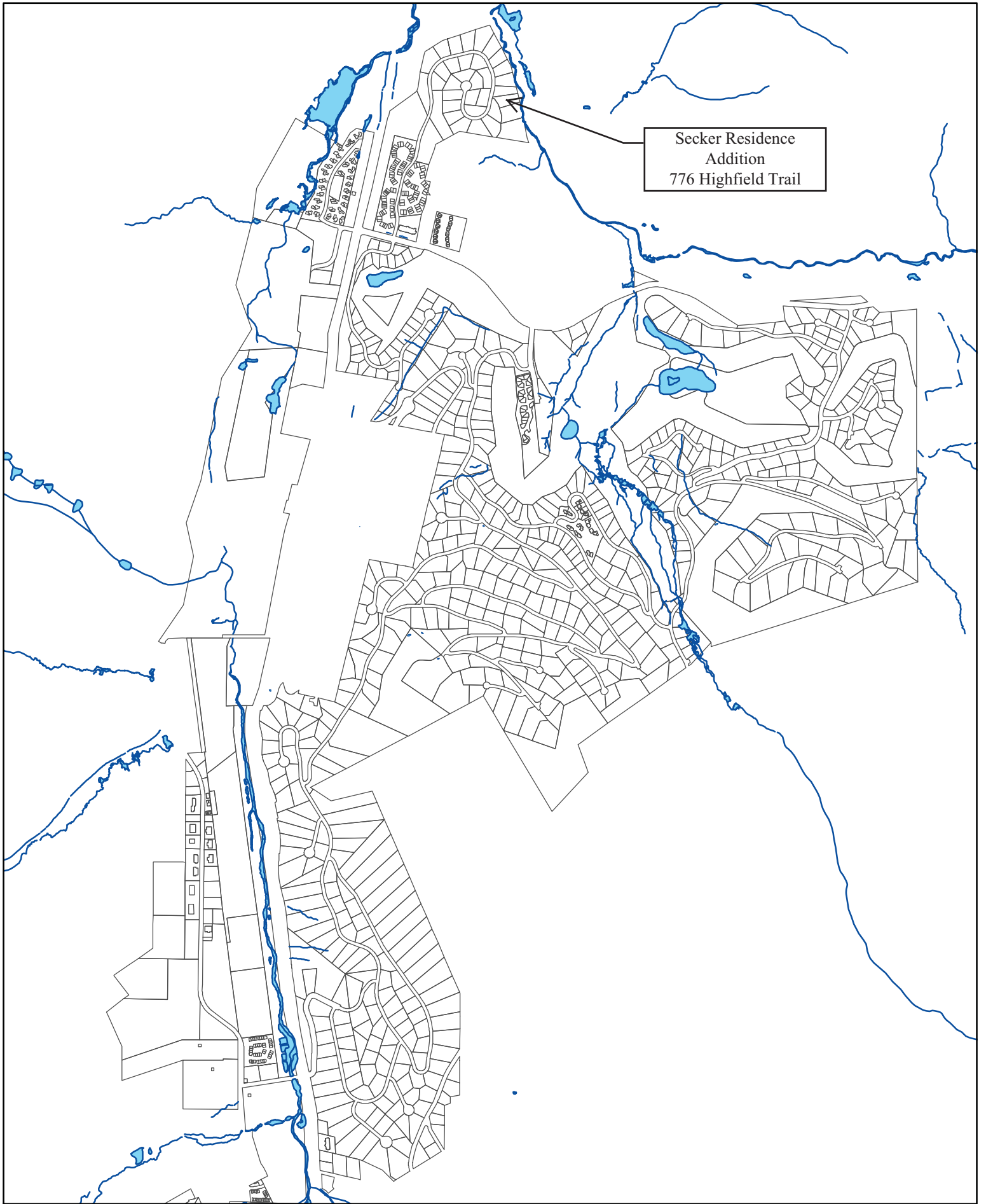


Town of Breckenridge
Planning Commission Agenda
Tuesday, May 15, 2012
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the May 15, 2012 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes May 1, 2012 Regular Meeting Approval of Agenda</i>	4
7:05	<i>Consent Calendar</i> 1. Secker Residence Addition (JP) PC#2012034 776 Highfield Trail	9
7:15	<i>Town Council Report</i>	
7:30	<i>Final Hearings</i> 1. Giller Residence Restoration, Rehabilitation, Addition and Landmarking (MM) PC#2011054, 306 South Ridge Street	18
8:15	<i>Preliminary Hearings</i> 1. Radosovich Residence Remodel (MM) PC#2012032 213.5 South Ridge Street	43
	2. Dabl House Shed and Solar Panels (MM), PC#2009036 108 North French Street	57
10:15	<i>Other Matters</i>	
10:30	<i>Adjournment</i>	

For further information, please contact the Planning Department at 970/453-3160.

**The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.*



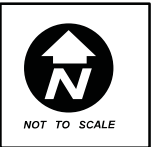
Secker Residence
Addition
776 Highfield Trail

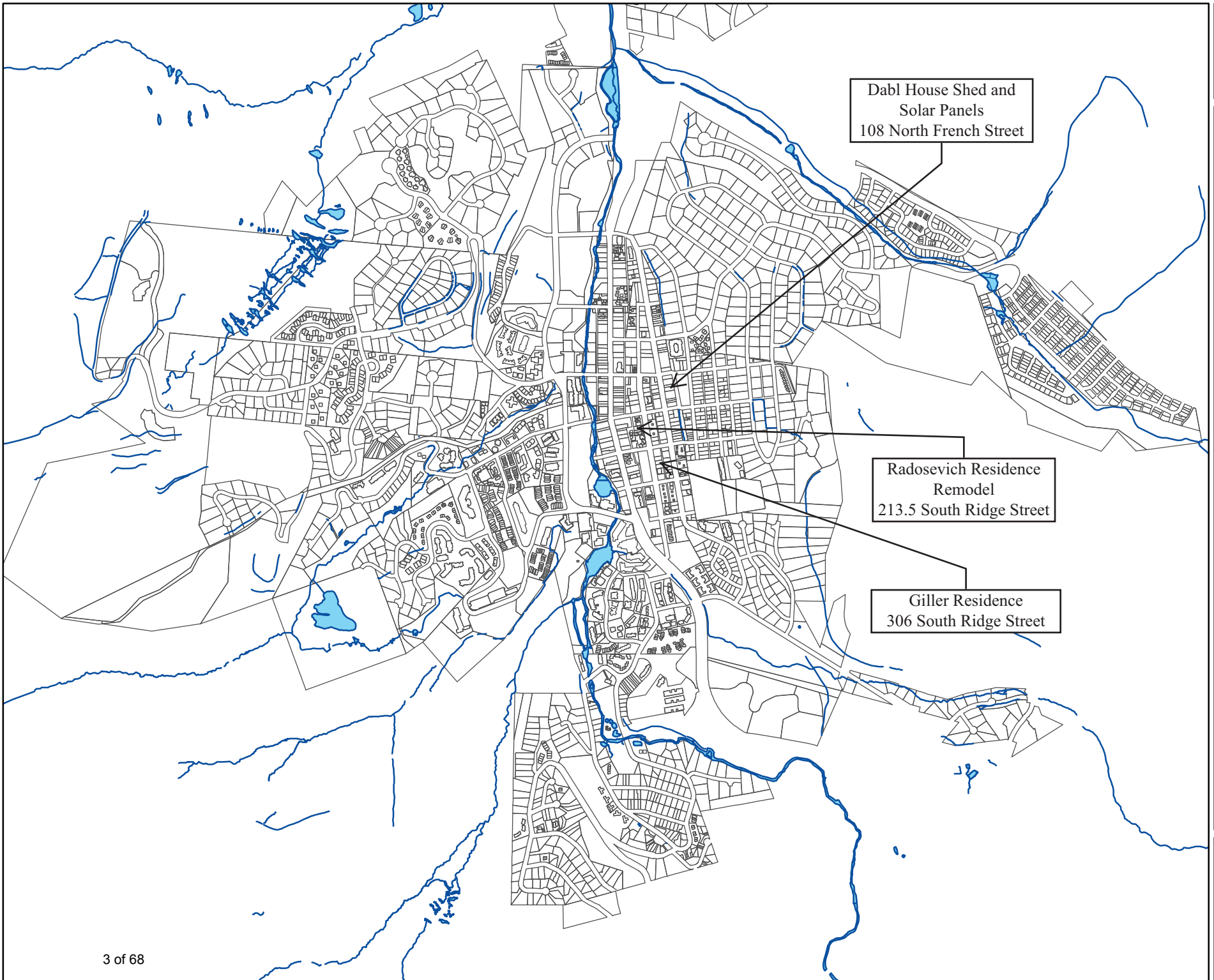


Breckenridge North

Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of the product for any purpose is at user's sole risk.

printed 4/12/2011





NOT TO SCALE

printed 4/12/2011

Breckenridge South

Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of the product for any purpose is at user's sole risk.



PLANNING COMMISSION MEETING

The meeting was called to order at 7:05 p.m.

ROLL CALL

Kate Christopher Dan Schroder Trip Butler
Gretchen Dudney Michael Rath
Gary Gallagher, Town Council Liaison

Dave Pringle and Jim Lamb were absent.

APPROVAL OF MINUTES

With no changes, the April 17, 2012 Planning Commission meeting minutes were approved unanimously (5-0).

APPROVAL OF AGENDA

With no changes, the May 1, 2012 Planning Commission meeting agenda was approved unanimously (5-0).

CONSENT CALENDAR:

- 1) Palomo Building Change of Use (MM) PC#2012029, 105 North Main Street
- 2) Roedel Residence Addition (MGT) PC#2012030, 219 Byron Court

With no requests for call up, the consent calendar was approved as presented.

TOWN COUNCIL UPDATE:

Mr. Gary Gallagher, Town Council Liaison, introduced himself and updated the Commission on what the Council is currently working on.

1. Three new appointees for BOSAC
2. Rodeo: The Council has approved moving forward with certain conditions for the event; were looking to make it 10 evenings (5 weeks), requiring a refundable deposit assuming all conditions are met; land shouldn't be given for nothing (suggestion to share the cash flow). (Mr. Schroder: I like that the Town is going to support this.) The Town got over 200 emails about this event; once the event is over in August, the Town will go back and do a survey of businesses and residents who live near the site.
3. Town and County have agreed upon the architectural firm for the Harris Street CMC building; they will also study feasibility of a library in building along with secondary uses.
4. Riverwalk Center: Looking at current program but potentially expanded program and uses for the facility; what are the needs within and without to support current and potential uses? (Mr. Schroder: Glad to hear that the group is thinking beyond just the building, internally and externally.)
5. Public Works: IGA with CDOT on the roundabout will be moving forward (4 O'clock Road). (Ms. Dudney: Why a roundabout?) The traffic builds up, particularly in the winter, and gets extremely backed up; you get better traffic flow with the roundabout; putting in a traffic light would limit the traffic movement. They are also going to figure out a way to make pedestrian crossing safer within that area.

WORKSESSIONS:

- 1) Pastor's House Restoration, Rehabilitation, Addition, Local Landmarking (MM) PC#2012031, 106 South Harris Street

Mr. Mosher presented a proposal to restore and add a full basement to the historic house, move the historic shed, and build a one-story addition to the south rear portion (attached to the existing non-historic portion of the house).

Mr. Mosher explained that Policy 80A required connector links in three cases. 1. When the above ground density exceeds the standard 9 UPA; 2. When the masses of modules exceed that which is required in the Character Area; and, 3. When the proposed addition is greater than 50% of the primary existing structure.

The average module size of historic homes in this Character Area is 1,500 square feet. With the total above ground density proposed at 2,120 square feet, the project needs to be broken into smaller modules. The back of the existing house has an existing non-historic addition with an east facing bay window.

The plans show that, after the removal of the bay window, the new addition and the historic shed (after being moved) will be attached to this non-historic portion without all of the required criteria as described in Priority Policy 80A (design of connector links).

The newly submitted drawings show that one portion of the addition generally meets the intent of Policy 80A. The connection of the historic barn does not.

The barn is currently located over the east property line beside the house in the Town alley and is proposed to be moved to accommodate the proposed addition. The architect/agent is showing the barn moved away from the south corner of the lot to the north corner, moved 22-feet and behind the house. Staff would recommend negative points at development review for moving the shed. The historic barn would no longer be a separate out-building and would become a part of the main house. Though the barn will have better exposure of the south wall, the historic outhouse will no longer be visible. Staff is not supportive of connecting the barn to the main house as shown. Did the Commission concur?

With this proposal, we are seeing the proposed addition to the historic house resulting in the shed being moved 22-feet north, connected to the house and the new addition proposed without connector elements. Staff asked the Commission to answer the following questions based on the Development Code:

1. Did the Commission have any general comments on the proposed site layout?
2. Did the Commission support moving the shed from the south corner to the north corner of the lot?
3. Did the Commission find that the proposed plan meets the connector requirements of Priority Policy 80A?

Commissioner Questions / Comments:

Mr. Schroder: On page 34; 5-bullet items were presented. Possibly bullets 1 and 2 are different now. From what you presented now, 1 and 2 are both now in compliance, is that right? (Mr. Mosher: Correct. Since the report was written and published, the agent has submitted changes for your review. I have placed these in front of you.)

Mr. Rath: When you talk about the connector in relation to the width of the rest of the building, does it include the roof overhang? (Mr. Mosher: No, just to the building corners.)

Mr. Schroder: Regarding the outhouse, I was wondering about points and within Policy 80A, where does it say that we can't use a historic piece to be the connector? (Mr. Mosher: Policy 80A is an Absolute, hence points can't be assigned. Additionally, this policy asks for a connector when adding to a historic structure, not to use the structure as the link. In this case, the link is what is missing. Staff is not supportive of using historic structure as a link.)

Ms. Christopher: What is the difference between connecting the outhouse to the house or to the connector link? (Mr. Mosher: The connector link would then be too small. Also, we want you to think about the preservation of character within the historic district and what it means to lose that character.) Does the historic structure have to be left intact? (Mr. Mosher: If you moved the outhouse it would be assessed for points as if moving the whole structure since they are connected as one building.)

Ms. Janet Sutterley, Architect/Agent: People need to be able to develop their properties somehow. We need to be able to make them current with real uses and make them livable. What would I do if this were my own project? I would propose the same design. My clients want to add on another bedroom and have a den area somewhere. The property is under contract and it is contingent with what we can do with the property based on tonight's worksession. From what I understand, there are no Code issues from the addition to the south; we are not compromising the yard; the addition will sit back from the front and will be same size as the Pastor's house; they would like to add a garage as well. The connector link requirement has been met or will be met with the addition to the south. Two major options are: #1: Leave the shed where it is or #2: move the shed to the northeast corner as presented.

1. Do you support having the shed in this corner?
2. Is there a way we can all look at this outhouse and how to use it as a connector or to not have it. Look at ways to utilize the outhouse.

The clients don't want to remove the non-historic addition; we don't want to remove a bedroom to build another bedroom, as this is not a logical approach.

Reasons for moving the shed into the northeast corner:

- All sides of shed will be more visible from the alley in new location
- Horrible proximity of the adjacent yellow building to the current location of the shed
- All the sides will have more breathing room and will be more protected
- Sheds will be clustered together; this will open them up (and avoid an abrupt change in scale)
- Opportunity to mitigate the look of the yellow house next door
- Will display the shed more
- Use shed as the second bedroom; we cannot do that in the location where it currently sits

The yard will be shorter and wider once we move the south fence. We will lose a minimal amount of fabric using the outhouse as a connector, compared to building a new connector link. (Ms. Sutterley also presented photos and exhibits for the Commission to view.) (Mr. Mosher clarified that the shed currently sits 5 1/2-feet from the property line and after relocation, in either scenario presented, would be placed 3-feet from the property line.)

Commissioner Questions/Comments:

Ms. Dudney: If you didn't have the outhouse connection, why you would have a greater loss of fabric? (Ms. Sutterley: Displayed drawings of Options A and B showing where the shed is proposed to be moved. No way to make the shed a bedroom if it was detached from the house.) What is the use of the shed going to be? (Ms. Sutterley: It would have to be storage if not attached to house. Circulation space to get to the bedroom/garage is an issue and important to the client.) Did you look at moving the shed and rotating it? So you have the longer edge of the shed on the east side? (Mr. Mosher: The shed isn't sitting equally on the ground; it was designed to follow a slope, so rotating the shed would not work on a flat surface.)

Mr. Schroder: I wouldn't be opposed to this as long as they meet the Codes. (Mr. Mosher: We need to have a passing point analysis and not lose any of the historic value.)

Ms. Christopher: If you were to put a connector link on any other side you would end up losing a significant amount of historic fabric? (Ms. Sutterley: The outhouse connector would be the same amount of space as a doorway connector.)

Mr. Rath: What would be the problem with actually keeping the shed on the same plane and general location but moving it forward (west) and using it as the master bedroom? (Ms. Sutterley: You mean move it forward on the lot? To be substituted for the new structure?) (Mr. Neubecker: So the shed is visible from the street and the alley as it is now?) Yes. (Ms. Dudney: I thought you said the shed was built on a slope.) (Mr. Mosher: One could backfill it to some extent.) (Mr. Neubecker: We ultimately want to avoid moving the shed any more

than it needs to.) I was trying to figure out how to make it more visible from Harris and the alley. (Mr. Neubecker: Ms. Sutterley has proposed two proposals. Proposal A is what she wants to do. Proposal B is showing what they could also do. Does Proposal A meet the Code? If it doesn't then we need to identify where it doesn't and what we need to do to help them meet the Code.)

Mr. Schroder: Seems like we are all starting to get a little emotional about this. We can't be subjective but we can give suggestions on how they can meet the Development Code.

Ms. Sutterley: I suggest we use the Secretary of the Interior Standards; they anticipate unique and project specific changes we can't see ahead of time. This is unique and they are all about rehabilitating the building and how to make it a useful structure. We need to look at the Historic Standards. (Mr. Neubecker: The Town's Standards are based in the Secretary of the Interior Standards and as these are the adopted documents; they supersede the Secretary of the Interior Standards.) I'd like to know your opinion about Option A. I don't know that moving the shed to the west is the correct thing to do but I am willing to look at that as an option. (Mr. Grosshuesch: I don't think there is a Code provision about moving the shed to make them visible; they are secondary to the original building, and don't need to be visible from the street. But, it has to be Code based. Retain historic structures on site with historical context, but it doesn't say that you can't move them.) (Mr. Jeremy Fisher, Contractor: Has a degree in historic preservation. Most sheds read from the alley, with a historical interpretation and honoring some of that, the shed should remain on the alley where it was.) Moving the shed forward will expose that entire yellow wall of the adjacent south building. (Mr. Grosshuesch: You don't have to build as much if you move it forward.)

Ms. Dudney: The problem seems to be the outhouse. What happens if they want to remove it entirely? (Mr. Mosher: The Code allows removal and would give negative points.)

Ms. Christopher: Can the outhouse go somewhere else? (Mr. Grosshuesch: If you took it off and put it somewhere else on the building then?) (Ms. Sutterley: The shed is less than 50% of the building, so do we need to have a connector link for that?) (Mr. Mosher: Yes, since it is historic fabric.) (Mr. Grosshuesch: I think the module size is the problem because you must have a connector link.)

Mr. Schroder: Seems like the outhouse is the problem for everyone.

Ms. Christopher: I feel like the outhouse could be considered a hardship—it is the sore thumb to the project. (Mr. Neubecker: Based upon the proposal, does it meet the Code? And if it doesn't, does it meet variance criteria?)

Final Comments:

Ms. Christopher: No, "A" doesn't meet Code. Feels there is a variance of hardship. Because Option B proposed creates hardship for the historic structure. Feel like the variance is better for the historic structure in giving it more space.

Mr. Butler: No, "A" doesn't meet Code. Can't compare them. Appreciating that the clients are trying to make it work.

Mr. Rath: Based on Code "A" does not work. Maybe a more creative way to look into this. Not a hardship case. There is a way to get more square footage with less footprint.

Ms. Dudney: Agrees with Mr. Rath. I can't approve option "A" since it doesn't meet Code. Would love to see it renovated but I can't see the basis for a variance.

Mr. Schroder: The outhouse is the issue. I would like to see it work but we need to angle on the Code and I can't support what I am seeing tonight. (Ms. Sutterley: To clarify on not supporting Option A, the primary reason is due to the outhouse/connector? Trying to understand and clarify the reading of the Code with your reasoning.)

OTHER MATTERS:

Mr. Neubecker: We are not doing the joint meeting on May 8th. Apologize for that. Hopefully we can do it in the future and bring those issues up with the Town Council. No other matters to discuss.

ADJOURNMENT:

The meeting was adjourned at 8:33 p.m.

Dan Schroder, Chair



COMMUNITY DEVELOPMENT

Class C Development Review Check List

Project Name/PC#:	Secker Addition	PC#2012034
Project Manager:	Julia Puester, AICP	
Date of Report:	May 8, 2012	For the 05/15/2012 Planning Commission Meeting
Applicant/Owner:	Sue Secker	
Agent:	Michael Gallagher	
Proposed Use:	Addition to a single family residence: The applicant proposes to add a small portion of deck on the northeast elevation and 2 bedrooms and 1 bathroom above the garage (total of 756 square feet).	
Address:	776 Highfield Trail	
Legal Description:	Lot 11, Braddock Hill	
Site Area:	49,658 sq. ft.	1.14 acres
Land Use District (2A/2R):	6: Subject to the Delaware Flats Master Plan	
Existing Site Conditions:	This site has a downhill slope from the road to the east at about 10%. This site has moderate lodge pole pine tree coverage. The site is accessed from a private drive. There is a 30' access, utility and drainage easement on the east and south side of the platted envelope.	
Density (3A/3R):	Allowed: Unlimited	Proposed: 3,198
Mass (4R):	Allowed: Unlimited	Proposed: 3,858
F.A.R.		
Areas:		
Lower Level:	946 sq. ft.	
Main Level:	1,496 sq. ft.	
Upper Level:	756 sq. ft.	(New 756 square feet)
Garage:	660 sq. ft.	
Total:	3,858 sq. ft.	
Bedrooms:	5	(2 new)
Bathrooms:	4.5	(1 new)
Height (6A/6R):	30 feet overall	
(Max 35' for single family outside Historic District)		
Lot Coverage/Open Space (21R):		
	Building / non-Permeable: 3,060 sq. ft.	6.16%
	Hard Surface / non-Permeable: 2,569 sq. ft.	5.17%
	Open Space / Permeable: 44,029 sq. ft.	88.66%
Parking (18A/18/R):		
	Required: 2 spaces	
	Proposed: 2 spaces	
Snowstack (13A/13R):		
	Required: 642 sq. ft.	(25% of paved surfaces)
	Proposed: 700 sq. ft.	(27.25% of paved surfaces)
Fireplaces (30A/30R):	2 gas	(1 new gas)
Accessory Apartment:	N/A	

Building/Disturbance Envelope?	Disturbance envelope
Setbacks (9A/9R):	<p>Front: within disturbance envelope</p> <p>Side: within disturbance envelope</p> <p>Side: within disturbance envelope</p> <p>Rear: within disturbance envelope</p>
Architectural Compatibility (5/A & 5/R):	The proposed addition will be architecturally compatible with the neighborhood.
Exterior Materials:	The materials proposed will match the existing materials on the structure, consisting of 6" exposed horizontal lap cedar siding, cedar shake shingle panels, and aluminum clad divided light wood windows.
Roof:	Asphalt composite shingles to match existing.
Garage Doors:	Existing custom wood-sided garage doors.
Landscaping (22A/22R):	Existing, no new landscaping proposed. Trees to be removed for defensible space per Policy 22/A.
Drainage (27A/27R):	No change- Positive away from residence.
Driveway Slope:	No change.
Covenants:	None.
Point Analysis (Sec. 9-1-17-3):	Staff conducted an informal point analysis and found no reason to warrant positive or negative points. The proposal meets all Absolute and Relative Policies of the Development Code.
Staff Action:	Staff has approved the Secker Addition, PC#2012034, located at 776 Highfield Trail, Lot 11, Braddock Hill with the Standard Findings and Conditions.
Comments:	
Additional Conditions of Approval:	

TOWN OF BRECKENRIDGE

Secker Addition
Lot 11, Braddock Hill
776 Highfield Trail
PC#2012034

STAFF RECOMMENDATION: Staff has approved this application with the following Findings and Conditions and recommends the Planning Commission uphold this decision.

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **May 8, 2012**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **May 15, 2012**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **November 21, 2013**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.

6. An improvement location certificate of the height of the top of the foundation wall and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.
7. At no time shall site disturbance extend beyond the limits of the site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.
8. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
9. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans. This shall include a silt fence on the downhill side of construction to prevent debris and soil erosion into the wetlands.
12. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
13. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
14. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
15. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
16. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
17. Applicant shall install construction fencing in a manner acceptable to the Town Planning Department.
18. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

19. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

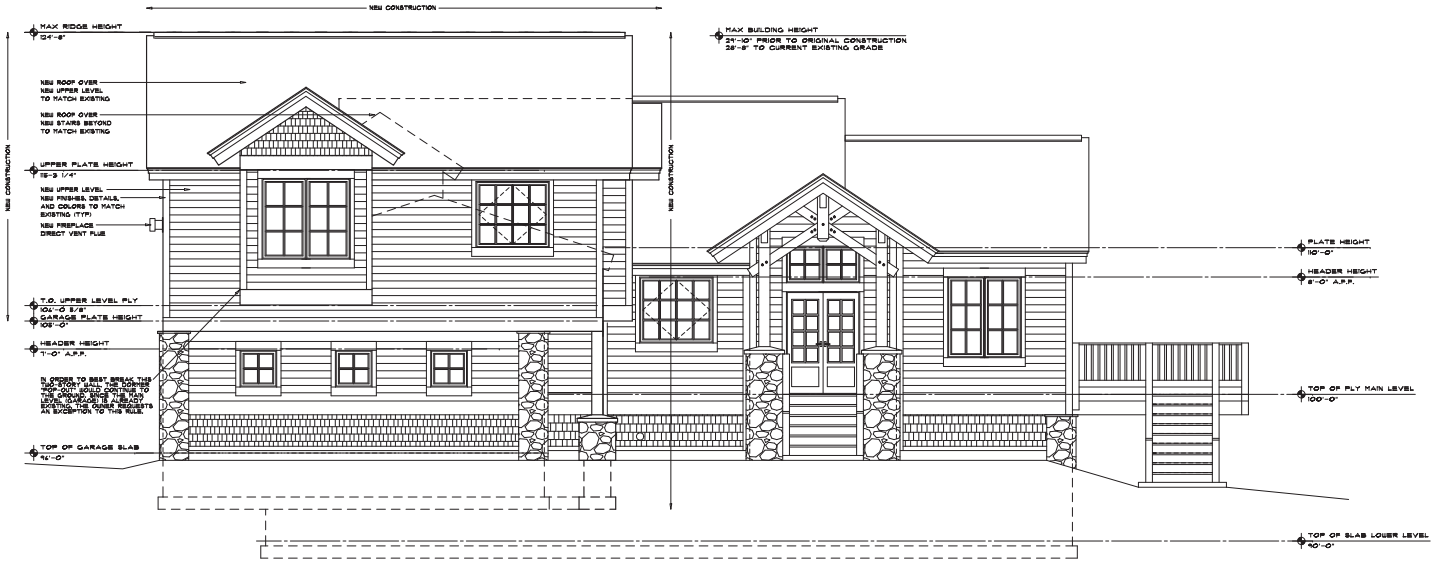
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

20. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
21. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
22. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
23. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
24. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
25. Applicant shall screen all utilities.
26. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
27. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
28. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
29. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions"

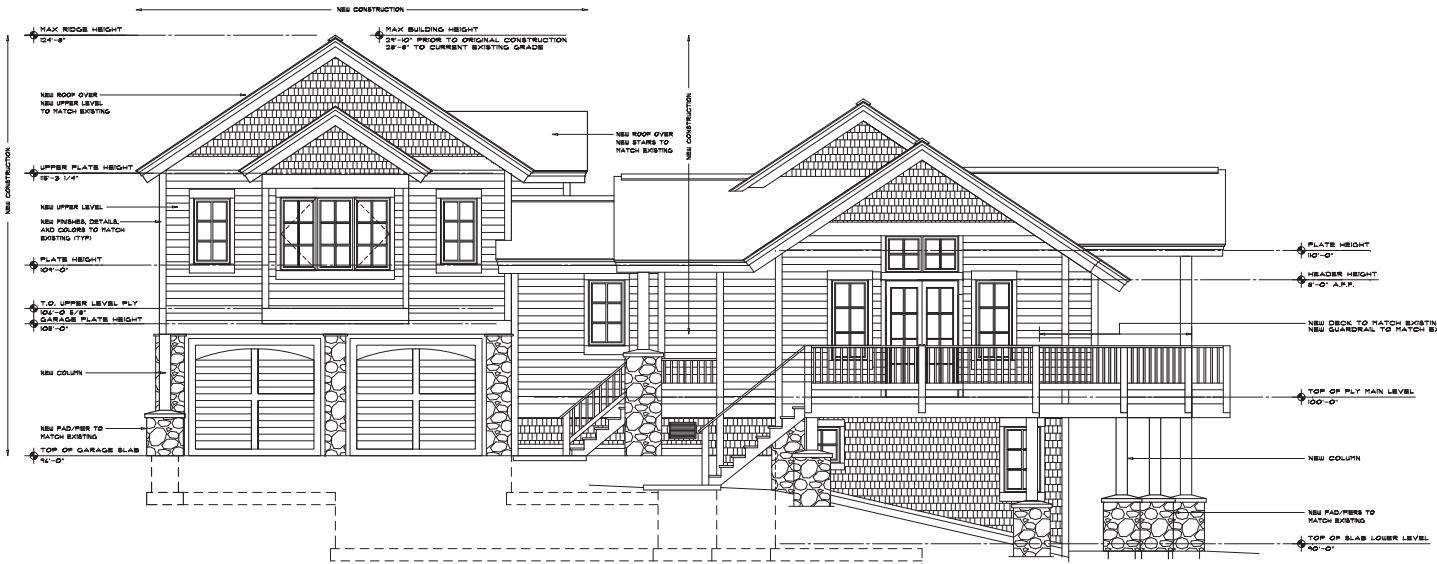
generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**

30. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
31. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

(Initial Here)



SOUTHWEST ELEVATION



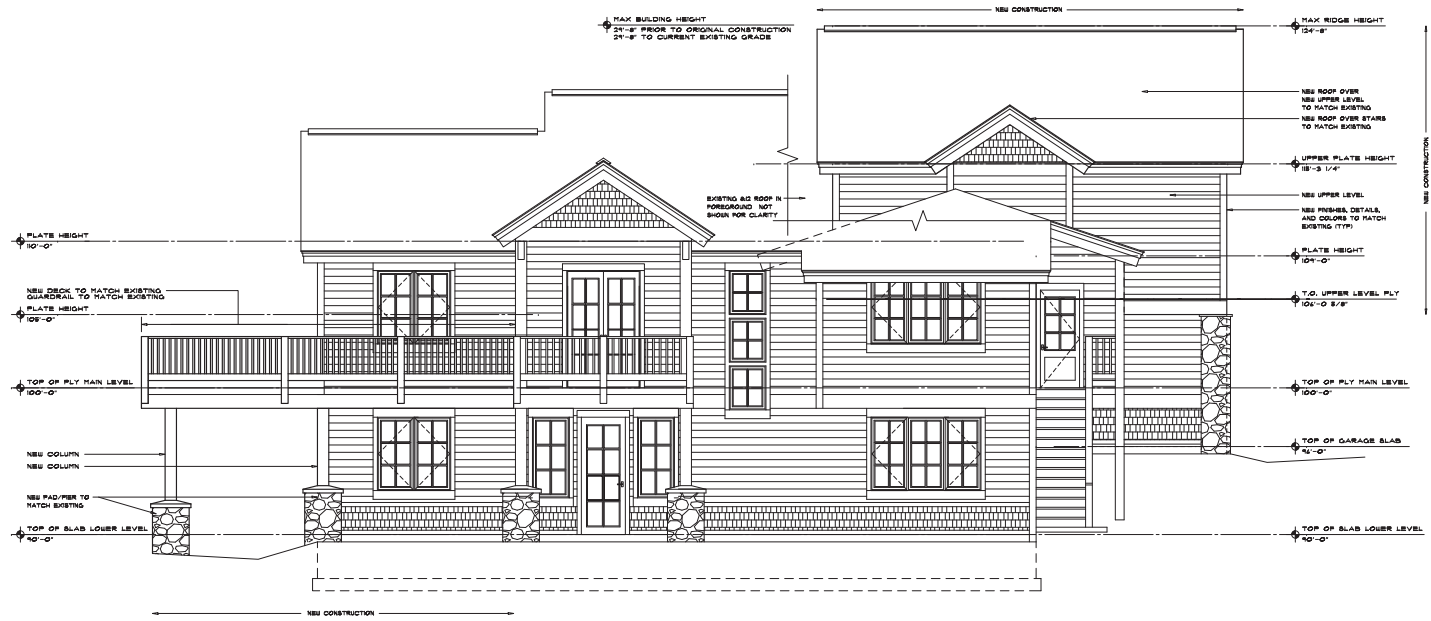
SOUTHEAST ELEVATION

PRELIMINARY
 NOT FOR CONSTRUCTION

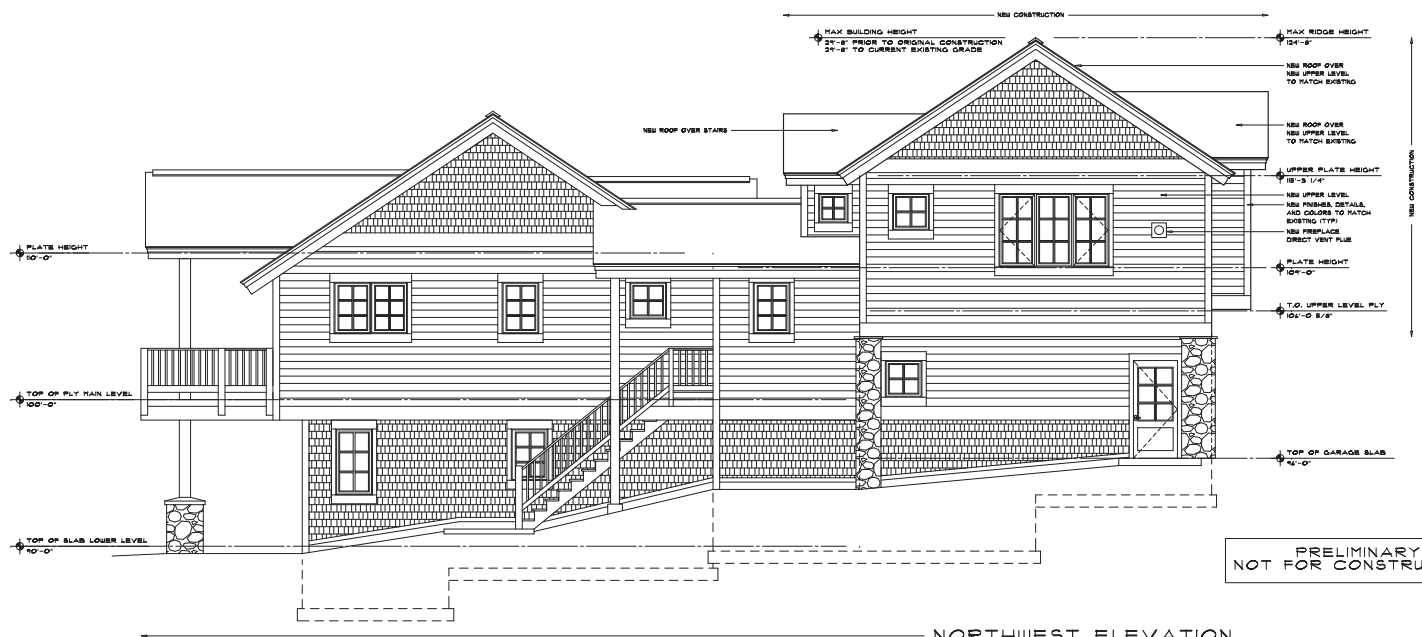


NORTH

ELEVATIONS
 SCALE: 1/4" = 1'-0"



NORTHEAST ELEVATION



NORTHWEST ELEVATION

PRELIMINARY
NOT FOR CONSTRUCTION



SECTIONS
SCALE: 1/4" = 1'-0"

SYNTEC DEVELOPMENT CORPORATION
MICHAEL F. GALLAGHER, ARCHITECT
www.mfgallagher.com
POST OFFICE BOX 2206
BRECKENRIDGE, CO 80424
970-433-0072
FAX 970-433-0477
michael@mfgallagher.com

SECKER RESIDENCE
LOT II, BRADDOCK HILL
THE HIGHLANDS AT BRECKENRIDGE
BRECKENRIDGE, COLORADO

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Planning Commission Staff Report

Subject: Giller Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2011054, Final Hearing (Continued)

Proposal: To restore the exterior of the historic house to an earlier period, landmark the historic house, add a full basement beneath the historic house, and the demolition of a newer historic addition to the house along with a non-historic shed addition at the back of the site. The property would be used as a residential duplex, with a two-car garage and two-car carport. A color material board will be available at the meeting.

Date: May 5, 2012 (For meeting of May 15, 2012)

Project Manager: Michael Mosher, Planner III

Applicant/Owner: Michael and Jennifer Giller

Agent: Janet Sutterley, Architect

Address: 306 South Ridge Street

Legal Description: Lots 25 & 26, Block 9, Abbetts Addition

Site Area: 0.11 acres (4,600 sq. ft.)

Land Use District: 18.2; Commercial 1:1 FAR; Residential 20 Units per Acre (UPA)

Historic District: Character Area #3, South End Residential; Up to 12 UPA above ground (with negative points)

Site Conditions: The original historic house and additions along with the non-historic shed addition are the only structures on the site. There is a 9-foot drop in the land from the east (alley side) to the west (primary façade). Four mature cottonwood trees flank the west property line near the public sidewalk. A railroad tie planter box is located at the southwest corner of the lot. The western edge and the southern edge of this planter extend over the property corner. An unimproved 13-foot wide Town alley right of way (ROW) exists along the east property line, extending from East Adams Avenue to East Jefferson Avenue. A portion of this alley ROW is not accessible.

Adjacent Uses: North: Residential
East: Alley and Residential
South: Commercial (Cottonwood Thicket)
West: South Ridge Street and Food Kingdom/Post Office

Density: Existing Residential: 1,290 sq. ft.
Allowed under LUGs - 100% residential: 3,379 sq. ft.
Proposed Density (less 'free' basement) 2,773 sq. ft.
Proposed overall Density (incl. basement): 3,723 sq. ft.

Above Ground Density: Suggested 9 UPA: 1,521 sq. ft.
Proposed 9.93 UPA: 1,677 sq. ft.

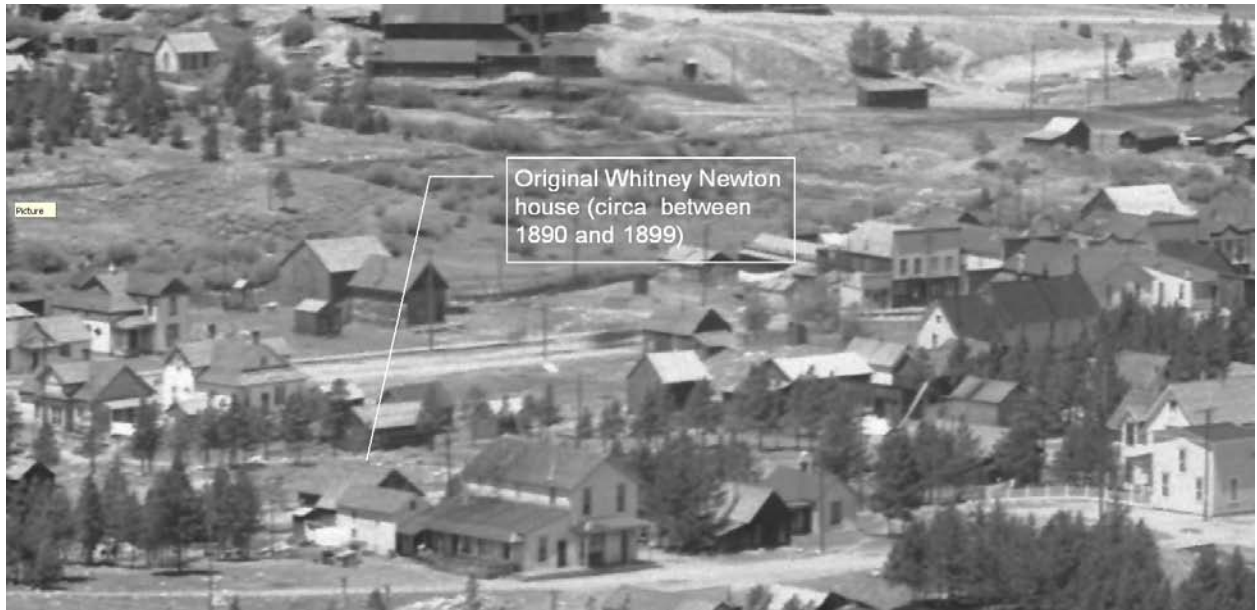
Mass: Existing: 1,209 sq. ft.

Allowed under LUGs: 4,055 sq. ft.
Proposed mass: 2,191 sq. Ft.

Setbacks: Front: 13.84 ft.
Sides: 5.5 and 3.0 ft.
Rear: 5.0 ft.

Item History

Commonly known as the Jane Shetterly House, the original portion of this house, which consisted only of the 14-foot east-west orientated portion owned by Whitney Newton (circa 1881) is shown below.



Staff has confirmed that Arthur C. Howard purchased this house and property from Mr. Newton for \$225.00 as noted in the Breckenridge Bulletin on April 20, 1907. Later, on June 29, 1907, the paper noted that “*Mr. Howard had lumber taken to the property this week with which to build an addition to his house, expecting to move into the same as soon as it is completed.*” This would be the initial portion added to the south across the property line of lot 25. This is the period which the restoration and renovation is seeking to reclaim with this application. The last 10-foot section of this southerly wing was built decades after but within the Town’s period of significance.

Changes since the last Final Hearing on January 17, 2012

1. The proposed vehicle lift has been eliminated from the plans and a car port is proposed in addition to the two-car garage.
2. As a result of the carport, density and mass numbers have adjusted slightly.
3. A draft HERS report by a registered design professional has been completed and will be available the night of the meeting.
4. The courtyard is being snow-melted.

Staff Discussion

Parking (18/A & 18/R): Per this section of the Code:

2 x (-2/+2)

(1) Public View: The placement and screening of all off street parking areas from public view is encouraged.

At the last hearing, we heard Commissioner support for awarding positive two (+2) points for placing the parking away from public view.

As a duplex use, four on-site parking spaces are required. Since the last meeting the proposed Vehicle-lift has been removed from the application.

At the last meeting, the vehicular movements within the courtyard were scrutinized for functionality. At Engineering Staff's request a study was performed showing the movement of each vehicle in each parking space. (See attached.) Engineering Staff has accepted the study, stating that it does not represent the easiest vehicular movements, but is acceptable.

Snow Removal and Storage (13/A & 13/R): The Code requires that 25% of the paved area be provided in functional snow storage. 25% of the paved area equals 181 square feet. The plans indicate that 193 square feet is being provided in snow stacking area.

At the last meeting, the applicant stated that, if the negative points could be mitigated, he would snow-melt the internal courtyard (not the entire driveway). This set of drawings show that the courtyard is being melted. It was suggested that the assigned negative points would not be the maximum since the area is not too large and the existing house to the south shades much of this part of the property (a condition not created by the applicant).

Since the last meeting, Staff has reviewed past developments with areas of snow-melt. The most recent precedent (Lot 18, Corkscrew Flats, Heated Driveway, Class D PC# 11-118), in which 1,592 square feet of driveway was proposed to be heated, was awarded negative two (-2) points. With this application showing about 300 square feet to be snow melted, and based on past precedent, Staff is suggesting negative one (-1) points be incurred for heating the courtyard. Does the Commission concur?

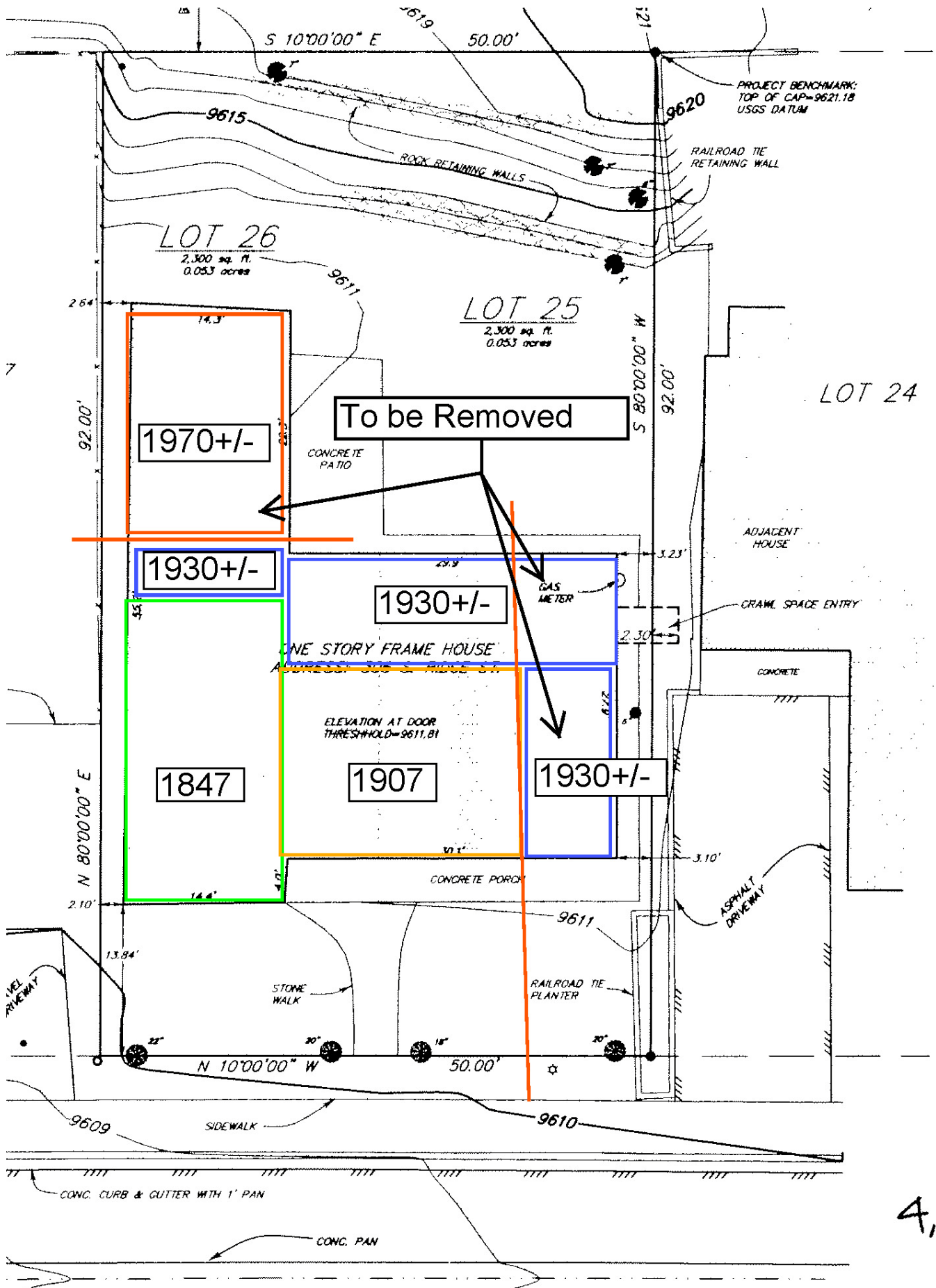
Energy Conservation (33/R): Since the last meeting, the applicant has obtained a certified draft HERS rating (To be passed out at the meeting) showing a total index less than 80. This would warrant positive two (+2) points. A final certified assessment will be submitted prior to issuance of a building permit. If for some reason the goal is not met, the application must return for planning review to obtain a passing score of zero points or greater.

Land Use Guidelines (2/A & 2/R): Land Use District 18.2 allows both commercial and residential uses. The applicant is proposing a residential duplex for the property. Staff has no concerns with the proposed use.

Density/Intensity (3/A & 3/R) - Mass (4/A & 4/R):

With the proposed removals and additions, the density calculations become rather complex. See the chart and illustration below:

DENSITY	Existing 1847 House	Existing 1907 South Addition	Existing Newer 1930+/- Addition	Existing South East Kitchen 1930+/- Addition	Existing East Stair access shed	Outside Historic Footprint	Total Existing (less non-historic shed (1970s +/-))
EXISTING HISTORIC HOUSE							
Main	355 SF	261 SF	174 SF	398 SF	102 SF		1,290 SF
To be Removed			174 SF	166 SF			340 SF
Remaining	355 SF	261 SF	0 SF	232 SF	102 SF		950 SF
PROPOSED DENSITY - Free Basement Density Shaded							
Unit A (Historic portion)							
Lower Level	355 SF	261 SF	0 SF	232 SF	102 SF		950 SF
Main Level	290 SF	261 SF	0 SF	232 SF	102 SF		885 SF
Unit B (Addition)							
Lower Level						762 SF	762 SF
Main Level						390 SF	390 SF
Upper Level						736 SF	736 SF
TOTAL							3,723 SF
MASS							
Unit A	290 SF	261 SF	0 SF	232 SF	102 SF	0 SF	885 SF
Unit B	0 SF	0 SF	0 SF	0 SF	0 SF	1,181 SF	1,181 SF
Garage						125 SF	125 SF
TOTAL							2,191 SF
Above Ground Density							
Main	290 SF	261 SF	0 SF	232 SF	102 SF	56 SF	941 SF
Upper	0 SF	0 SF	0 SF	0 SF	0 SF	736 SF	736 SF
TOTAL ABOVE							1,677 SF



4,1

In this Character Area, 9 UPA above ground density is recommended. However, the above ground density is allowed to increase up to 12 UPA, with negative points being assigned. With the above ground density being proposed at 9.93 UPA, negative six (-6) points are shown on the Point Analysis under this policy.

Architectural Compatibility (5/A & 5/R): At the last hearing we heard Commission support for the removal of the south-most historic addition with negative five (-5) points being assigned. These points are shown on the Point Analysis. The rating of the building as “*contributing with qualifications*” would remain after the restoration of the rest of the building.

Restoration and Renovation of the 1881 and 1907 Sections

At the previous meeting, the Commission was comfortable with the restoration plans for the historic house and bringing the architecture back to the 1907 appearance. This included the removal of the south most portions of the house and replacing the original historic fabric from this portion back to the original house sections. The historic house will have a new full basement, all new electrical and plumbing, upgraded insulation, cut shingle roof and restoration of all historic windows.

The New Addition

Architectural Compatibility (5/A & 5/R): The plans show that the connector link is now a carport. The north wall, facing the neighboring residential property, will be sided in vertically orientated natural cedar and have vertically orientated double hung windows. The rest of the addition will have a mixture of vertically orientated siding and horizontal lap siding with a 4-1/2-inch reveal. All exterior materials are to be natural. A color and material board will be available at the meeting.

Building Height (6/A & 6/R): At the previous meeting, the Commission supported the proposed building height (23-feet to the mean) and agreed that the new addition was far enough away from the historic house to meet the intent of the Development Code policy and the intent of the Historic Design Standards.

Placement of Structures 9/A & 9/R): We have heard Commission approval supporting an 18-inch encroachment for eaves and other similar projections into the absolute setbacks. Per the Code, negative points will be assessed for not meeting the relative setbacks.

The drawings show the new addition 5.5-feet off the north side yard property line (meeting the relative policy) and 3-feet off the south property line, meeting the absolute policy (negative three (-3) points incurred). It is also placed 5-feet off the alley, meeting the absolute policy, to the east (negative three (-3) points incurred). A total of negative six (-6) points are being incurred under this policy.

Open Space (21/R): Counting the *applicable* areas (not the driveway and courtyard), the drawings indicate that 33% of the site will be open space. Staff has no concerns.

Landscaping (22/A & 22/R): The drawing show that the mature cottonwood trees lining the west side of the property line are all to remain and be protected during construction. Per this policy, the drawings show that, as directed for positive two (+2) points, one spruce tree 8-feet or taller and seven aspen (2.5-inch caliper and larger - 50% multi-stemmed) are being proposed along with 13 mixed 5-galen shrubs in Xeriscape planting beds. Staff has no concerns and has shown the positive two (+2) points on the Point Analysis.

Social Community (24/R): E. Historic Preservation and Restoration:

At the September 20, 2011 meeting we heard support from the Commission to award positive twelve (+12) points for the restoration efforts. No changes are proposed.

Landmarking: The applicant is seeking to locally landmark the historic structure and take advantage of the ‘free’ basement density beneath the historic footprint as part of the planned total density. At the last meeting, we heard the Commission concur with staff that the landmarking criteria for this proposal could be met with the following criteria:

Per ORDINANCE NO. 24, Series 2001, An Ordinance Adopting Chapter 11 Of Title 9 Of The Breckenridge Town Code Concerning Historic Preservation; And Making Conforming Amendments To The Breckenridge Town Code.

9-11-1: Purpose and Intent:

A. The purpose of this Chapter is to promote the public health, safety, and welfare through:

1. The protection and preservation, by appropriate regulations, of the Town’s historic and cultural heritage;
2. The enhancement of property values, and the stabilization of historic neighborhoods;
3. The increase of economic and financial benefits to the citizens of the Town by making the Town more attractive, inviting and interesting to the Town’s many tourists and visitors; and
4. The provision of educational opportunities to increase public appreciation of the Town’s unique heritage.

B. The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public interest in preserving the Town’s unique historic character by authorizing the Town to designate landmarks, landmark sites, historic districts and cultural landscape districts; to require stabilization of properties which are of historic value in order to assure that such properties will not be lost as a result of inadvertence, indifference or neglect; and to ensure that the maintenance, alteration or demolition of properties of historic value shall be carefully considered for impact to the property’s contribution to the Town’s heritage.

It has been factually determined that the house is over 50 years old. Based on comments heard at the last hearing, Staff has identified the following as the criteria allowing this property to be locally landmarked via an ordinance from Town Council.

The property

- meets the “architectural” designation criteria for a landmark as set forth in Breckenridge Town Code
 - Section 9-11-4-A-1-a (1) because the property exemplifies specific elements of architectural style or period,
 - Section 9-11-4-A-1-a (5) because the property exemplifies style particularly associated with the Breckenridge area,
 - Section 9-11-4-A-1-a (6) The proposed landmark represents a built environment of a group of people in an era of history,
 - Section 9-11-4-A-1-a (8) The proposed landmark is a significant historic remodel,
- and the property meets the “Social” designation criteria for a landmark as set forth in Breckenridge Town Code
 - Section 9-11-4-A-2 (c) *“Is associated with a notable person or the work of a notable person.”*

- and the property meets the “Physical Integrity” designation criteria for a landmark as set forth in Breckenridge Town Code
 - Section 9-11-4-A-3 (a) The proposed landmark shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation,
 - and Section 9-11-4-A-3 (b) The proposed landmark retains original design features, materials and/or character.

Assignment of Points 9-1-17- 3: At this final review we are recommending negative eighteen (-18) points.

- Policy 5/R (-9 points) for the above ground density overage.
- Policy 5/R (-5 points) for removal of historic fabric.
- Policy 9/R (-6 points) for not meeting two suggested building setbacks.
- Policy 33/R (-1 points) for heating the courtyard.

A total of positive eighteen (+18) point is recommended;

- Policy 9/R (+2 points) for screening all the parking from public view by placing it behind the historic structure,
- Policy 22/R (+2 points) for the proposed landscaping.
- Policy 24/R (+12 points) for the restoration/rehabilitation efforts.
- Policy 33/R (+2 points) for achieving an index under the HERS rating of less than 80.

This results in a passing score of zero (0) points.

Staff Recommendation

This is the fifth review of this proposal. The applicant and agent have responded to all concerns and direction provided over the last meetings. At this time we have only one question: Does the Commission support assigning negative one (-1) point for heating the internal courtyard for the project? We welcome any other comments.

Staff recommends approval of the Giller Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2011054 by supporting the attached Point Analysis. We recommend approval of the same with the attached Findings and Conditions.

We also suggest the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Final Hearing Impact Analysis				
Project:	Giller Residence Restoration, Rehabilitation, Addition and Landmarking	Positive Points		+18
PC#	2011054			
Date:	05/05/2012	Negative Points		- 18
Staff:	Michael Mosher, Planner III			
		Total Allocation:		0
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		Residential uses only - Complies
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		Of the allowed 3,379 square feet 2,773 square feet is being used.
4/R	Mass	5x (-2>-20)		Of the allowed 4,055 square feet, 2,191 square feet is being used.
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	- 5	The applicant is proposing to remove the south most 10-foot (+/-) addition of the house along with other restoration plans to reproduce "the appearance of a building exactly as it looked at a particular moment in time". In this case, the house (from the primary façade only) would appear as it would have looked in 1908, before the newer historic addition. The loss of the addition's historic fabric is to be mitigated by the restoration of the windows to their original locations, and the reuse of the south wall by shifting it to the north.
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)	- 6	In this Character Area, 9 UPA above ground density is recommended. However, this above ground density is allowed to go up to 12 UPA, with negative points being assigned. With the above ground density being proposed at 9.93 UPA
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		Complies
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	- 6	The south (3.0') and east (5.5') setbacks meet the Absolute policy but not the Relative Policy
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		
18/R	Parking - General Requirements	1x (-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)	+2	All parking located behind the historic house in a carport and in a garage
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		

22/R	Landscaping	2x(-1/+3)	+2	The mature cottonwood trees lining the west side of the property line are all to remain and be protected during construction. Per this policy, the drawings show that, as directed for positive two (+2) points, one spruce tree 8-foot or taller and seven aspen (2.5-inch caliper and larger - 50% multi-stemmed) are being proposed along with 13 mixed 5-gal-en shrubs in Xeriscape planting beds.
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15	+12	Plans include the removal of the south most portion of the house and replacing the fabric from this portion back to the original house sections. The historic house will have a new full basement, all new electrical and plumbing, upgraded insulation, cut shingle roof and restoration of all historic windows.
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power Lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3	+2	The HERS report is showing an index of less than 80.
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)	- 1	The assigned negative points should not be the maximum since the area is not too large and the existing house to the south shades much of this part of the property (a condition not created by the applicant).
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37/R	Cucumber Gulch/Setbacks	2x(0/+2)		
37/R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		
47/A	Fences, Gates And Gateway Entrance Monuments	Complies		
48/A	Voluntary Defensible Space	Complies		

TOWN OF BRECKENRIDGE

Giller Residence Restoration, Rehabilitation, Addition and Landmarking
306 South Ridge Street
Lots 25 & 26, Block 9, Abbetts Addition
PERMIT #2011054

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve this application with the following findings and conditions.

FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **May 5, 2012** and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **May 15, 2012** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.
7. The Planning Commission recommends that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires three years from date of issuance, on **May 22, 2015**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.

5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. Applicant shall notify the Town of Breckenridge Community Development Department (970-453-3160) prior to the removal of any building materials from the historic building. Applicant shall allow the Community Development Department to inspect the materials proposed for removal to determine if such removal will negatively impact the historic integrity of the property. The Applicant understands that unauthorized removal of historic materials may compromise the historic integrity of the property, which may jeopardize the status of the property as a local landmark and/or its historic rating, and thereby the allowed basement density. Any such action could result in the revocation and withdrawal of this permit.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall obtain a Home Energy Rating System (HERS) Projected Home Energy rating certificate prepared by a registered Residential Services Network (RESNET) design professional using an approved simulation tool in accordance with simulated performance alternative provisions of the Town's adopted energy code. This Home Energy Rating Certificate must show an index that meets or exceeds a HERS Index of 80.
12. The Applicant shall obtain approval of an ordinance from the Breckenridge Town Council for local landmark status for the property. If local landmark status is not granted by the Town Council, then the density in the basement of the Giller Residence shall count toward the total density on the property, and revisions to the approved plans, final point analysis and this development permit may be required. The Applicant may be required to appear before the Breckenridge Planning Commission to process an amendment to the approved plans.
13. An Improvement Location Certificate (ILC) from a Colorado registered surveyor showing the top of the existing historic buildings' ridge heights shall be submitted to the Town. An ILC showing the top of the existing buildings' ridge heights must also be submitted to the Town after construction activities, prior to the certificate of occupancy. The building is not allowed to increase in height due to the construction activities, other than what the Town has approved.
14. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
15. Applicant shall contact the Town of Breckenridge and schedule a preconstruction meeting between the Applicant, Applicant's architect, Applicant's contractor and the Town's project Manager, and the Chief Building Official to discuss the methods, process and timeline for restoration efforts to the historic building(s).

16. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
17. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
18. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
19. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property.
20. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
21. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

22. Applicant shall submit a final HERS Confirmed Home Energy Rating Certificate prepared by a prepared by a registered Residential Services Network (RESNET) design professional using an approved simulation tool in accordance with simulated performance alternative provisions of the towns adopted energy code, showing that the completed house meets or exceeds a HERS Index of 80.
23. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
24. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees. Removal of mature specimen trees may violate a Priority Policy and may cause this project to fail a Point Analysis, and may prevent issuance of a Certificate of Occupancy.
25. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches from the property. Dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above ground.
26. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
27. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
28. Applicant shall screen all utilities.

29. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
30. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
31. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
32. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
33. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
34. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

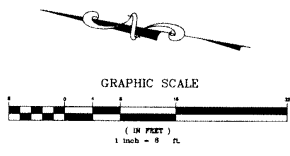
(Initial Here)

A TOPOGRAPHIC MAP OF
LOTS 25 & 26, BLOCK 9, ABBETT ADDITION TO
 TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO

ADAMS AVENUE
 (50' R.O.W.)

ALLEY
 (13.8' R.O.W.)

SOUTH RIDGE STREET
 (75' R.O.W.)



DATE OF FIELD SURVEY: 06/08/11
 CONTOUR INTERVAL=1 FOOT

- LEGEND**
- FOUND REBAR & PLASTIC CAP (PLS 27924)
 - FOUND REBAR & PLASTIC CAP (PLS 15242)
 - FOUND 1" PIPE
 - CLEANDOUT
 - UTILITY PEDESTAL
 - LIGHT POLE
 - △ RANDOM SURVEY CONTROL POINT
 - ⊠ TRANSFORMER
 - FINE TREE WITH TRUNK DIAMETER
 - COTTONWOOD TREE WITH TRUNK DIAMETER

LOTS 29-32

LOT 28

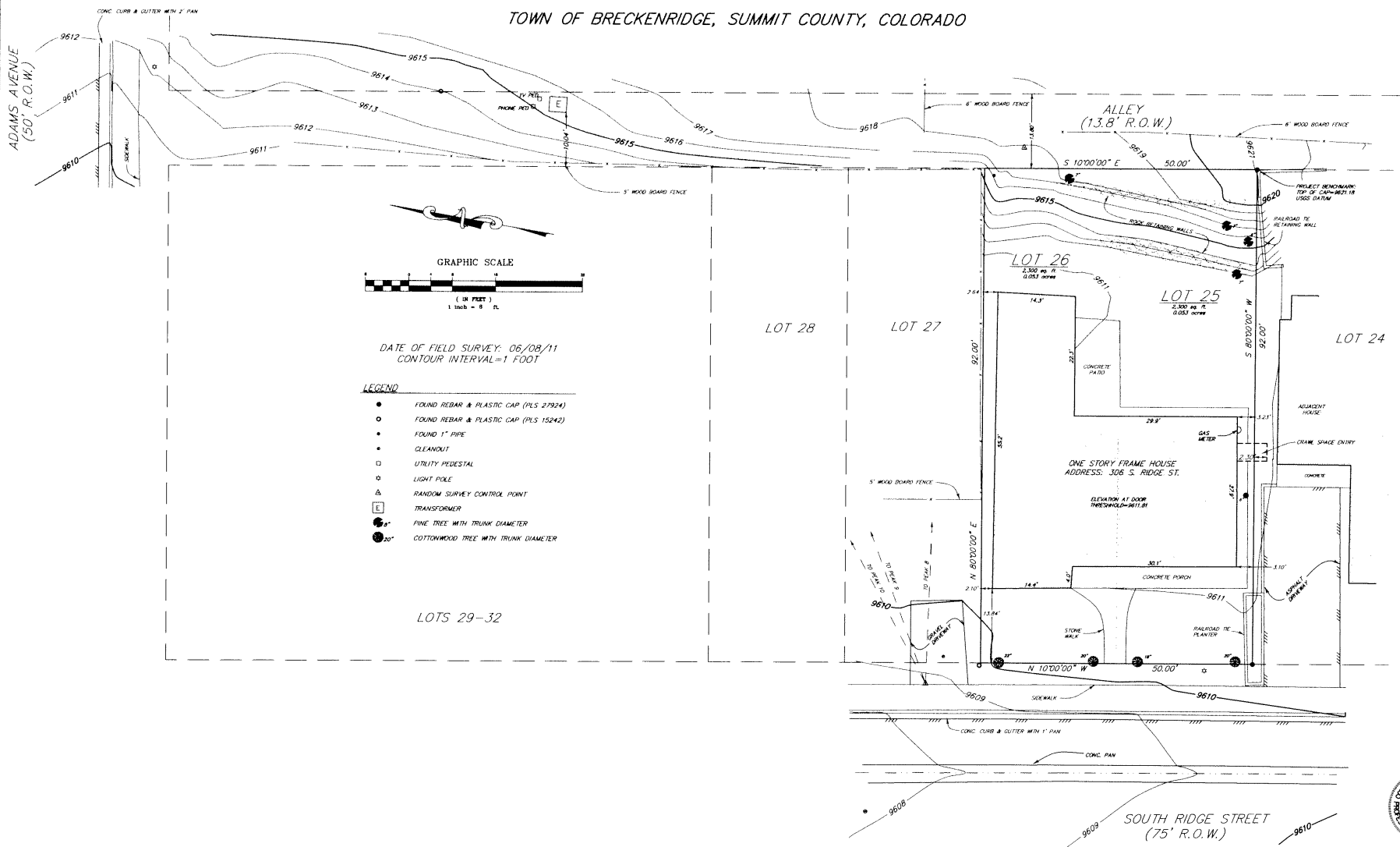
LOT 27

LOT 26

LOT 25

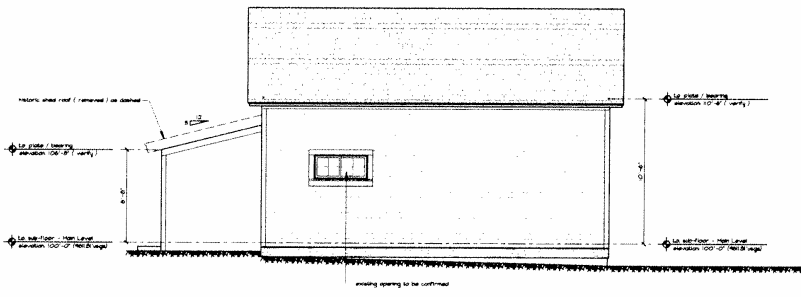
LOT 24

ONE STORY FRAME HOUSE
 ADDRESS: 306 S. RIDGE ST.
 ELEVATION AT DOOR THRESHOLD=9611.81

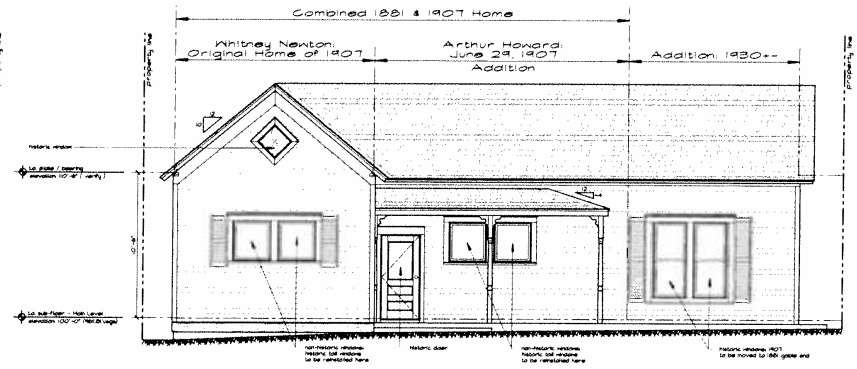


Drawn: DGS	Dwg: 11785TP	Project: 11785
Checked: RRJ	Date: 06/16/11	Sheet: 1 of 1
R - A - N - C - E - W - E - S - T		
ENGINEERS & SURVEYORS INC.		
P.O. Box 589		
Silverthorne, CO 80498 970-468-8281		

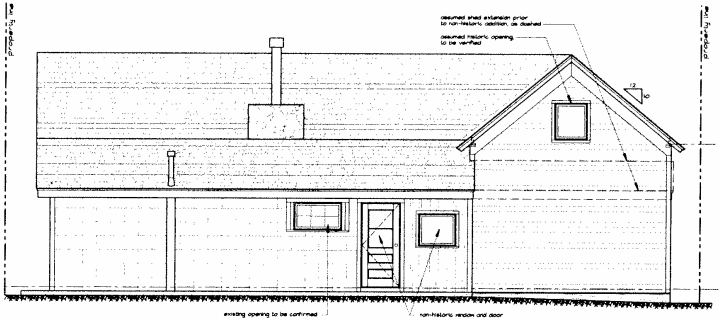
NOTE: ACCORDING TO COLORADO L.S.B. PLS MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THIRTY (30) DAYS OF THE DATE OF THE SURVEY. SUCH DEFECTS IN NO EVENT MAY BE AVOIDED UNLESS SUCH DEFECTS ARE DISCOVERED AND CORRECTED WITHIN THE THIRTY (30) DAY PERIOD. THIS SURVEY IS CONSIDERED FINAL FROM THE DATE OF THE CERTIFICATION HEREON FORTH.



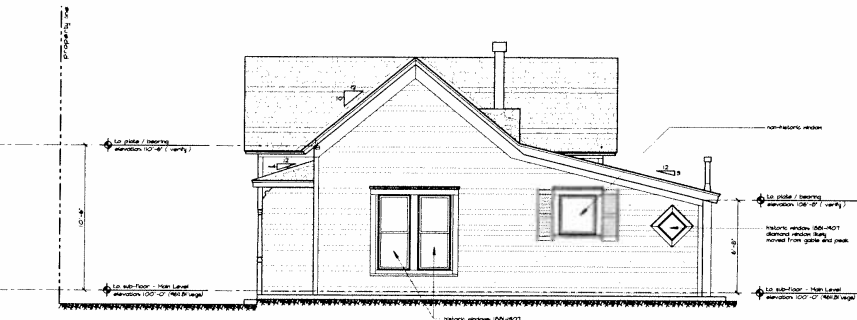
North Elevation
Scale: 1/4" = 1'-0"



West Elevation
Scale: 1/4" = 1'-0"



East Elevation
Scale: 1/4" = 1'-0"



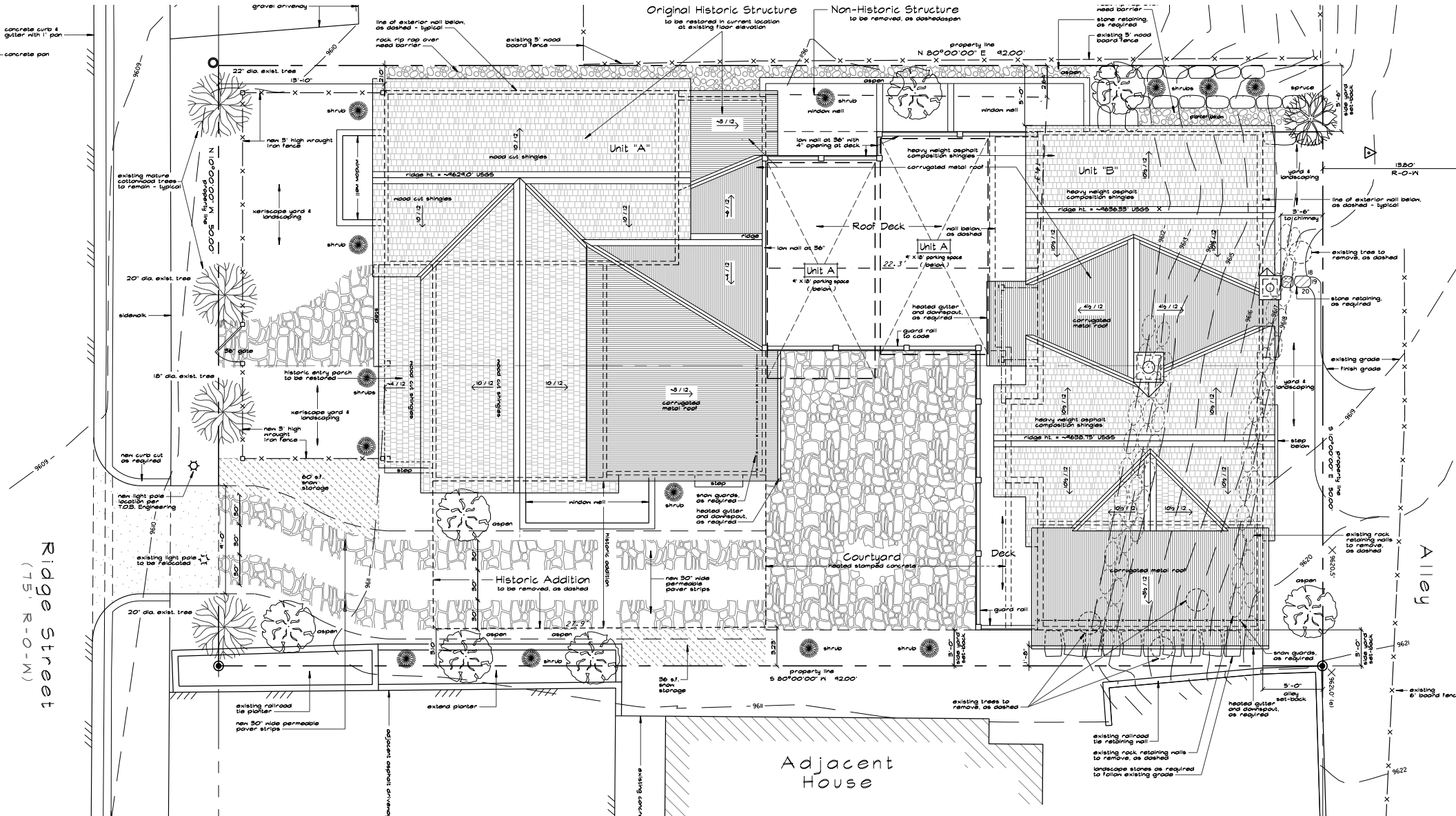
South Elevation
Scale: 1/4" = 1'-0"

GILLER RESIDENCE
LOTS 25 & 26, BLOCK 9, ABBETT ADDITION
TOWN OF BRECKENRIDGE, COLORADO

As-Built
Exterior Elevations
Scale: 1/4" = 1'-0"
Date: 11-08-2011

J.L. Buttery, Architect, P.C.
architectural consultation
P.O. Box 3036 • Breckenridge, Colorado 80424 • 970-453-3718
www.jlbuttery.com
computer aided design services
P.O. Box 2033 • Silverthorne, Colorado 80488 • 970-302-3443

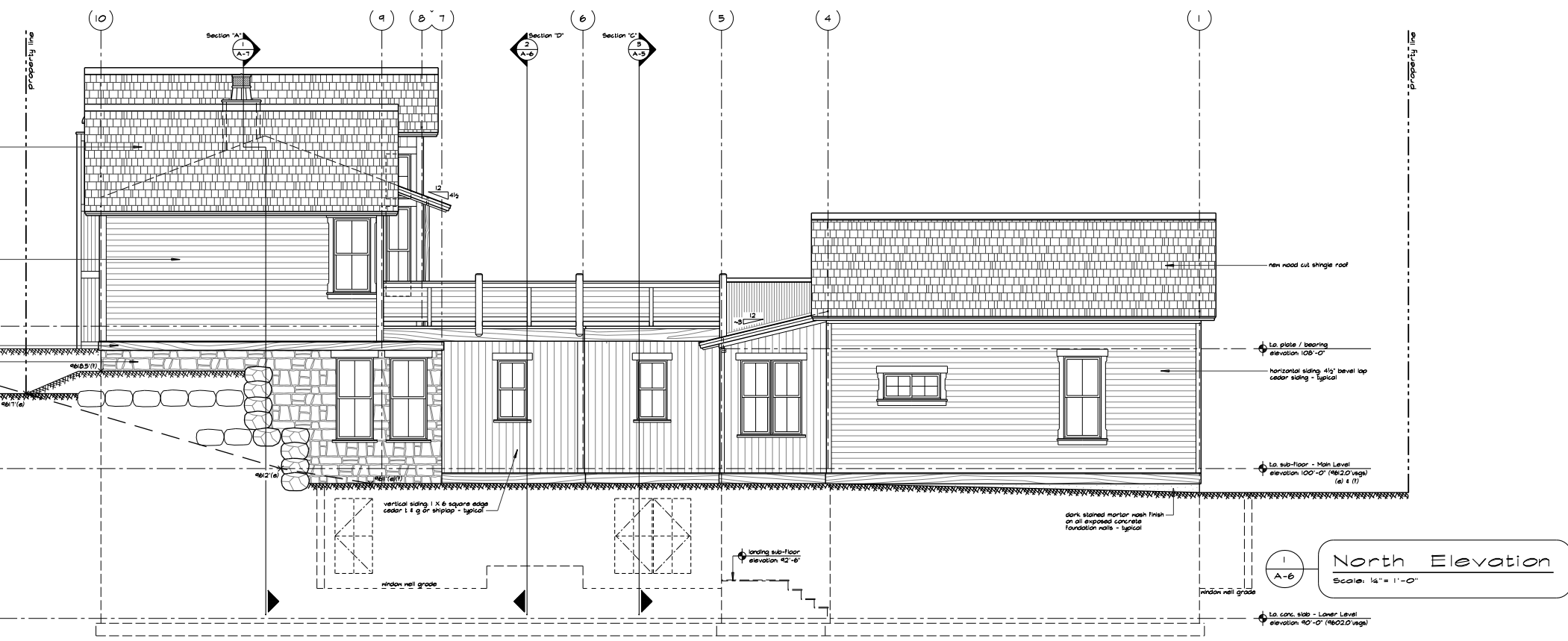
AB-1



Ridge Street
(75' R-O-M)

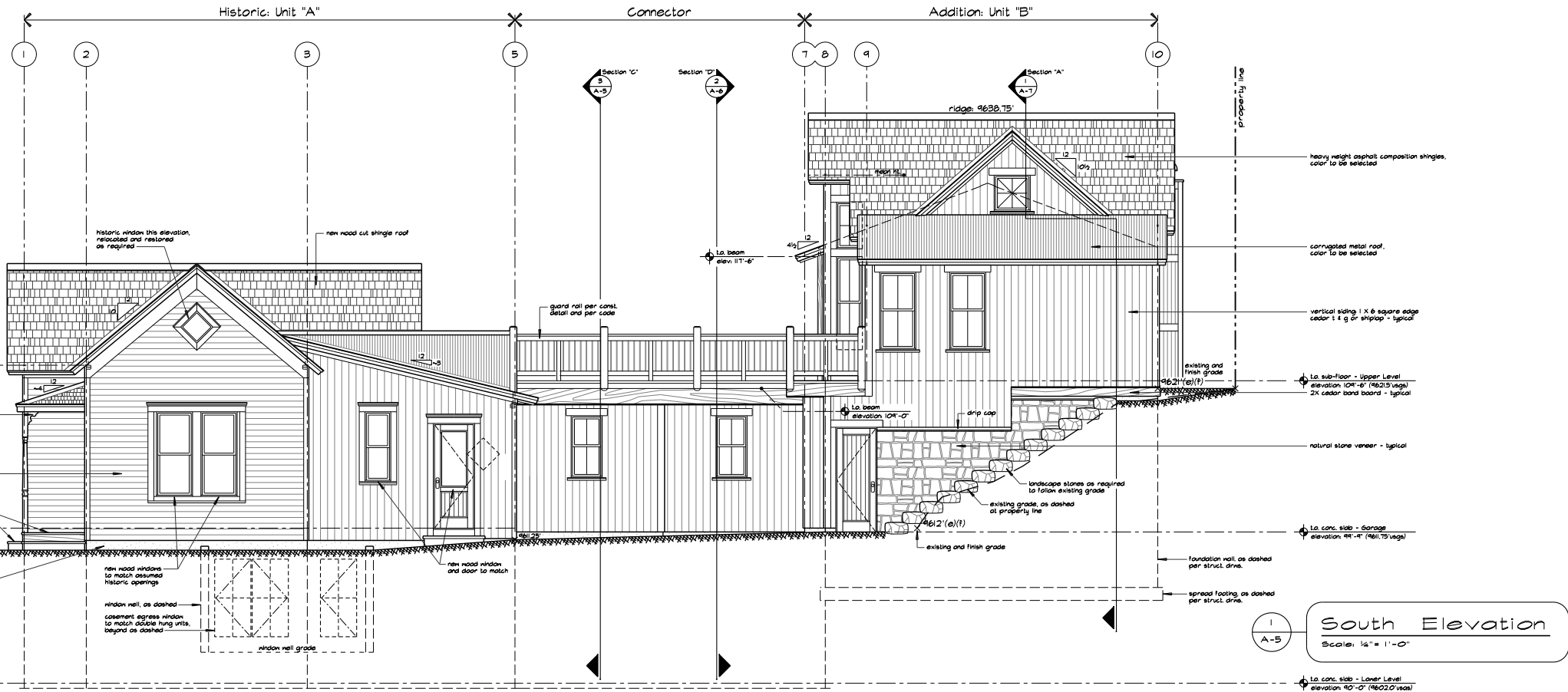
Alley

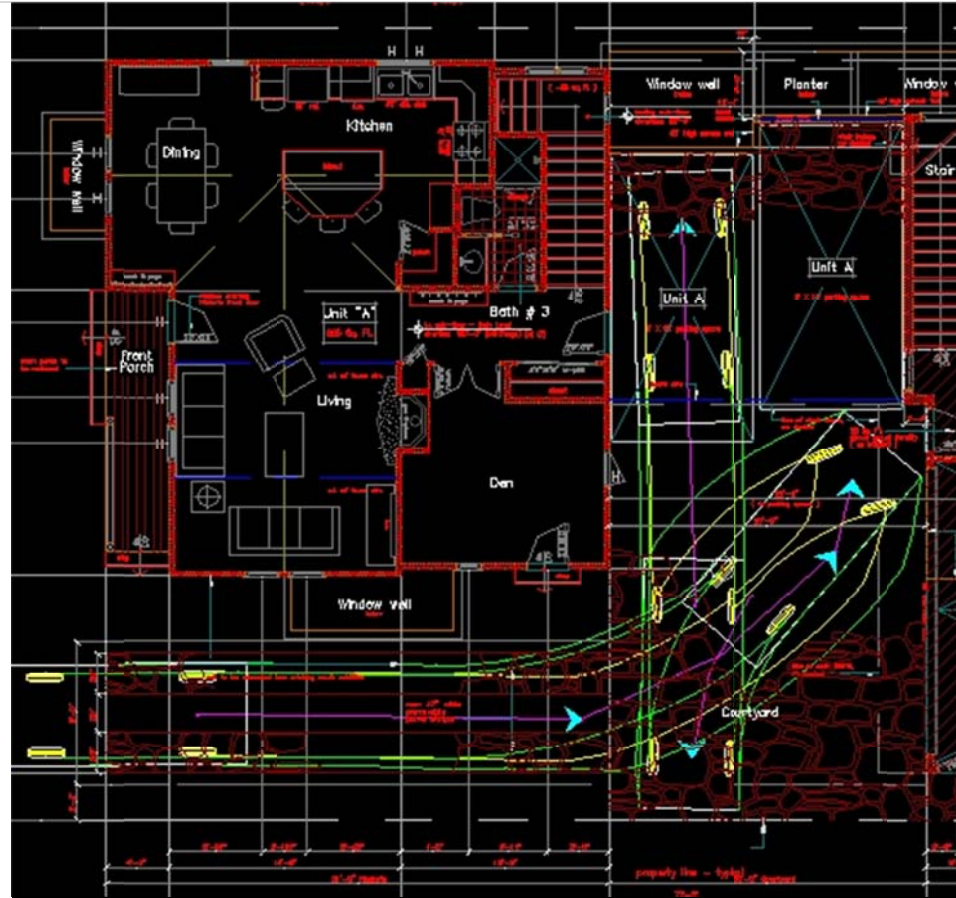
Adjacent House



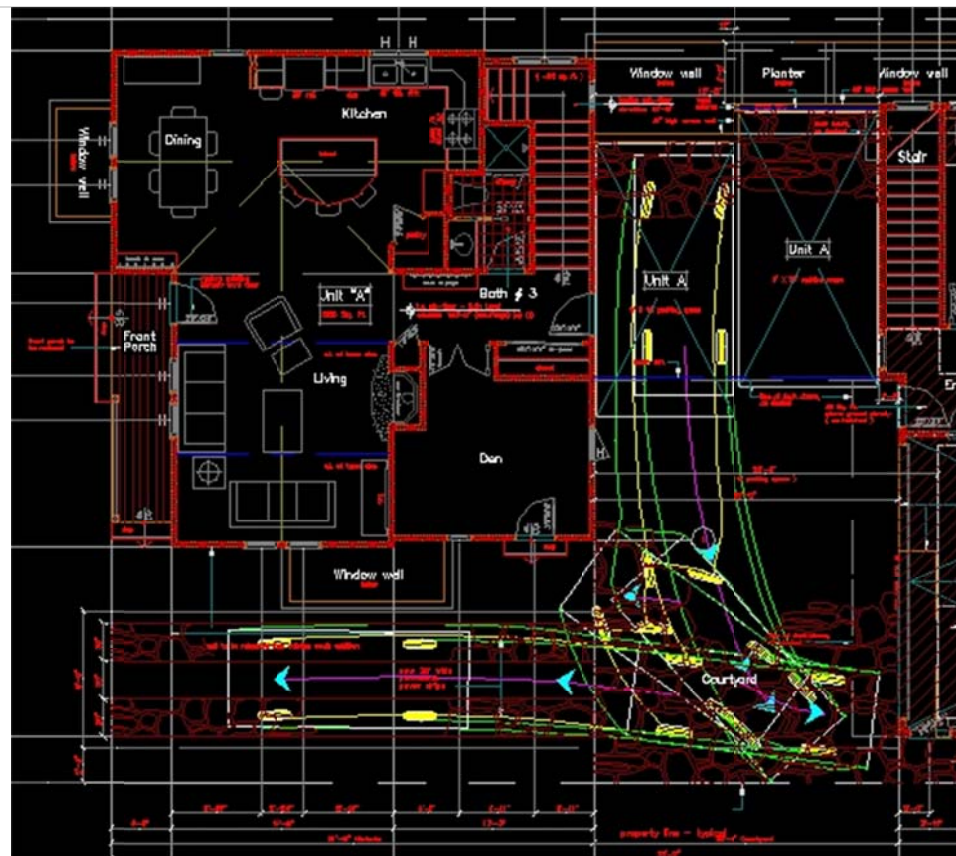
1
A-B

North Elevation
 Scale: 1/4" = 1'-0"

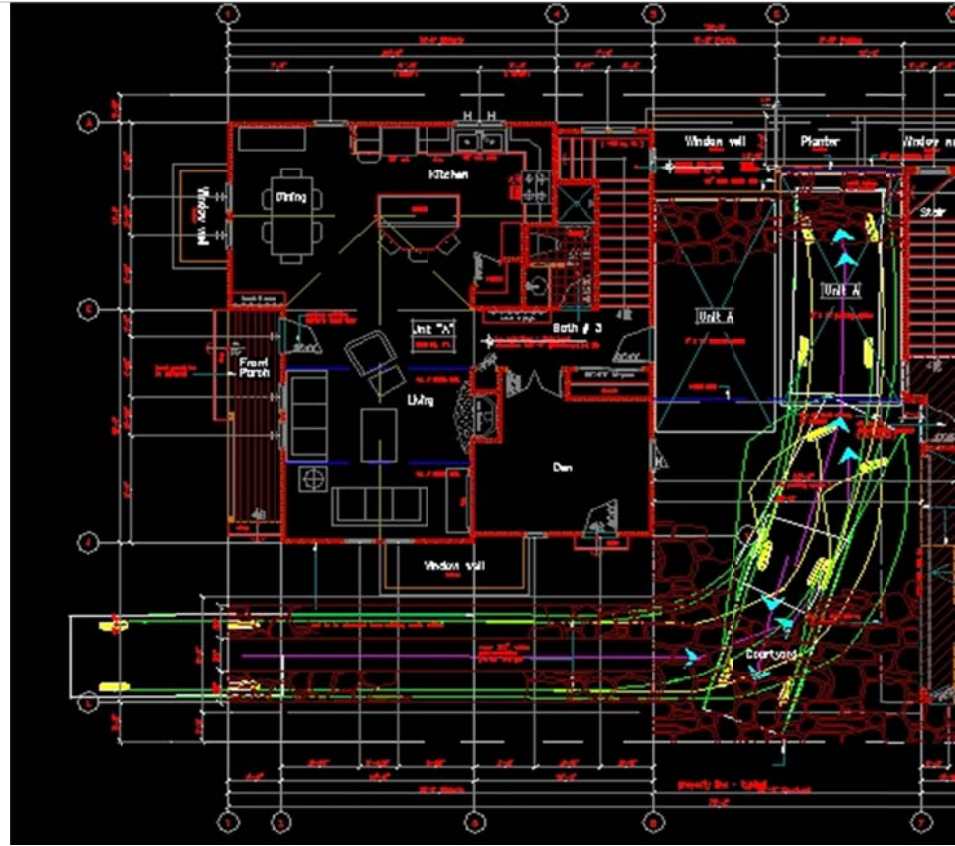




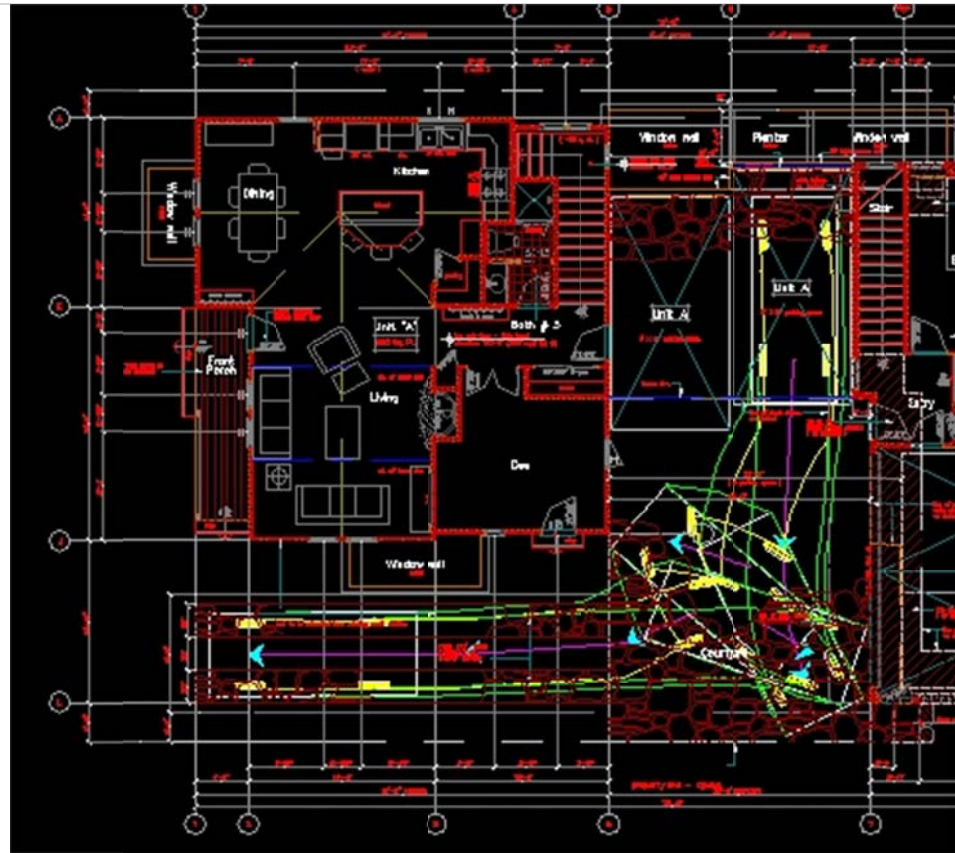
Unit A, Historic Front House.
 Parking Area No. 1,
 West Outdoor Area.
 Entering



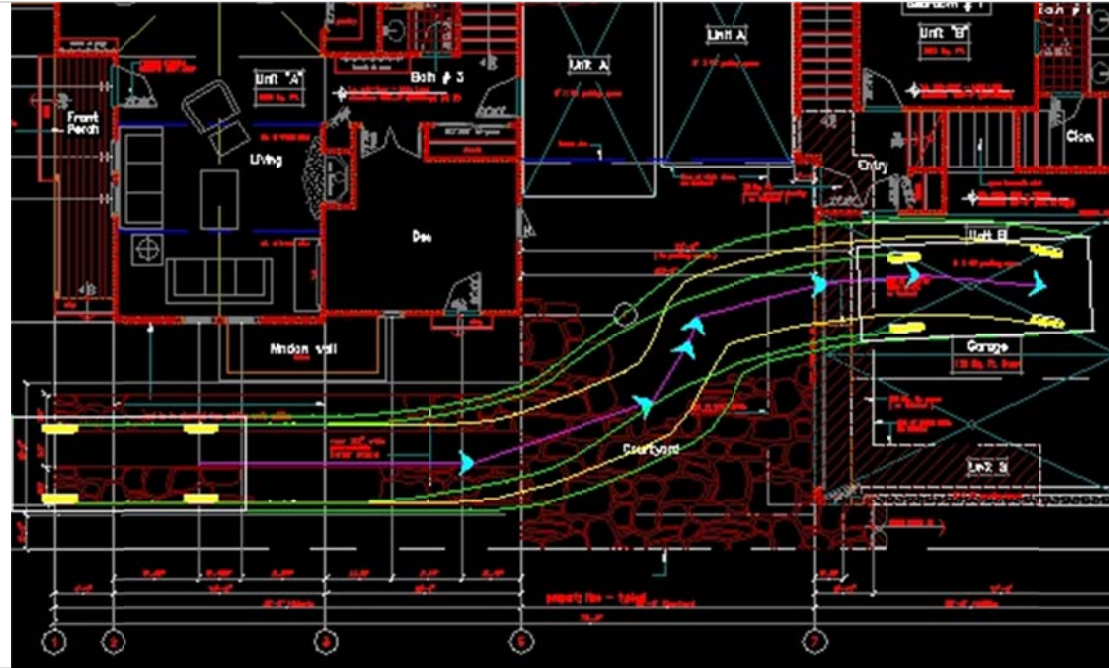
Unit A, Historic Front House.
 Parking Area No. 1,
 West Outdoor Area.
 Exiting



Unit A, Historic Front House.
 Parking Area No. 2,
 East Outdoor Area.
 Entering



Unit A, Historic Front House.
 Parking Area No. 2,
 East Outdoor Area.
 Exiting

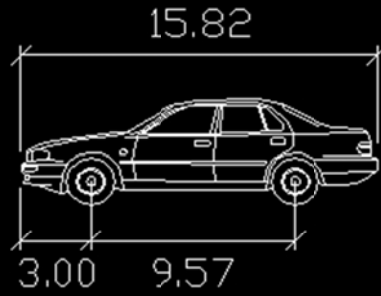


Unit B, New Rear House Parking Area No. 3, North Garage Entering



Unit B, New Rear House Parking Area No. 3, North Garage Exiting

Unit B, New Rear House, Parking Area No. 4, South Garage, may be entered and exited in a straight path from the driveway. Accordingly no diagram was necessary.



Jeep Grand Cherokee feet

Width	: 6.38
Track	: 5.34
Lock to Lock Time	: 6.0
Steering Angle	: 35.9

Turning movements shown are from a 2012 Jeep Grand Cherokee.

Planning Commission Staff Report

Subject: Radosevich Remodel (Class B, Preliminary Hearing; PC#2012032)

Proposal: A proposal to remodel the existing house by replacing the existing west facing windows in the historic portion with larger windows, adding a new window to the historic portion of the house, adding an upper level deck over the west non-historic entry with new door to the deck, and adding four ‘Solatube’ light diffusers to the east facing roof of the historic portion of the house.

Date: May 1, 2012 (For meeting of May 15, 2012)

Applicant/Owner: Jan Radosevich

Project Manager: Michael Mosher, Planner III

Agent: Suzanne Allen Guerra, Allen Guerra Design Build

Address: 213.5 South Ridge Street (in alley)

Legal Description: Lot 6, a re-plat of Lots 6 & 7 Block 13, Abbetts Addition

Site Area: 0.056 acres (2,447 sq. ft.)

Land Use District: 18.2 - Commercial - 1:1 Floor Area Ratio (FAR); Residential 20 Units per Acre (UPA)

Historic District: 3 - South End Residential

Site Conditions: The property contains the existing house facing west and a small back yard on the east side of the property. There is a 10-foot wide Snow Storage, Parking and Utility easement along the north property line, a 5-foot by 12-foot Utility Easement in the southeast corner of the lot and a platted 5-foot by 18.37-foot snow storage area along the west property line. The house is over the south - property line by about 6-inches to zero inches.

Adjacent Uses:

North:	Lot 5 McAdoo Corner (vacant)
East:	Lot 7, (Gus Nobel Historic House Ridge Street Dental)
South:	South Ridge Seafood Grill
West:	Alley and office/retail use

Density: No change

Mass: No change

Height: No change

Parking: Required: 2 spaces

Proposed:

2 spaces

Snowstack:

See below

Item History

The structure at 213.5 Ridge Street originally consisted of a historic barn that represented a log and timber out building to the Gus Noble house on Ridge Street (now Ridge Street Dental and next to the South Ridge Seafood Grill). Actual recorded data on this building is vague, though the main house on Ridge Street was built in 1901. Review of the interior structure has revealed hand hewn timbers and rough sawn wood framing representative of similar historic sheds in the area.

In 1981, a two story house with full basement was added to the north side of the barn which resulted in all exterior surfaces being covered. It was rated as “supporting” in 1991 by the Town. No stone or concrete foundation was placed beneath the barn. This new composite structure served as a residence until January 1995 when a change of use (to commercial) was approved by the Planning Commission and the Town Council. A foundation was added the historic portion of the building in 2001. The building is still contributing to the National Register Historic District Boundary in the Town.

An evaluation of significance was written by Town Historian, Rebecca Waugh, (attached and date unknown) stating that the stable was built 1901 and that enough of the barn is remaining that the newer addition could be “removed without any further damage to the historic structure”.

Essentially, removal of the addition would raise the rating from the local rating of “Supporting” to “Contributing” or “Contributing with qualifications”. We have enclosed a photo from the County Assessors office showing the barn before the newer addition.

Staff Comments

Architectural Compatibility/Historic and Conservation District Standards (5/A & 5/R):

The applicant is currently remodeling the interior of the building under a separate permit and is seeking approval for some exterior modifications. These modifications include:

1. Adding a full porch with upper level deck over the main entry on the west elevation of the non-historic portion of the house.
2. Adding a door where a window is currently on the upper level of the non-historic portion of the house to access the proposed deck.
3. Adding four ‘Solatubes’ (instead of skylights) on the east-facing roof of the historic portion of the house.
4. Enlarging the existing historic openings of the windows (these windows are non-historic) on the west elevation of the historic portion of the house. New windows would then be added.
5. Adding a new window on the west elevation of the historic portion of the house.

The discussion below addresses each of these proposals against the policies of the *Development Code*, the *Handbook of Design Standards for the Historic and Conservation Districts*, and the *Design Standards for the Historic District, Character Area #3 South End Residential*.

1. Adding a full porch with upper level deck over the main entry on the west elevation of the non-historic portion of the house.

Currently, the house has no covered porch. A small stoop and stairs extend out the front door for access. As proposed, the new porch and deck would extend across the width of the non-historic addition.

Per Policy 162 of *Design Standards for the Historic District, Character Area #3 South End Residential*, front and side porches are encouraged. Additionally, porches were typically one-story only. Policy 169 states “*Use porches to define primary entrances to buildings*”.

Staff has identified two issues of concern.

1.) The proposed porch/deck is located within and over the platted 5-foot by 18.37-foot snow storage area along the west property line. We have spoken to the Street Department about this proposal and they have expressed concerns about impeding any snow storage capabilities in this alley as there is little snow storage areas for the Town to stack snow in the winter. We suggest reducing the size of the porch to no greater than the existing encroachments of the stoop and stairs.

2.) The upper level deck is a building form not seen in this Character Area. There are some examples in the Core Commercial Character Area.

Policy 39 of the *Handbook of Design Standards for the Historic and Conservation Districts* states:

- “Avoid new additions or alterations that would hinder the ability to interpret the design character of the historic period in Breckenridge”.
- “Alterations that seek to imply an inaccurate variation on the historic style are also inappropriate.

Also, Policy 99 states: “Avoid designs that confuse the interpretation of the history of Breckenridge”.

In the past, the Commission has supported upper level decks in some instances, where the deck is located at the back of the structure away from the primary façade. Since this is the primary entry and façade, Staff believes a standard porch would be more appropriate and that it be no greater than the current encroachments of the stairs and stoop. Staff is suggesting negative points be incurred for not meeting these Policies.

2. Adding a door where a window is currently on the upper level of the non-historic portion of the house to access the proposed deck.

Since the only reason for this door is associated with the proposed upper level deck, the above comments apply here also. The proposed design represents an inaccurate variation and a design that confuses the interpretation of the history of Breckenridge

3. Adding four ‘Solatubes’ (instead of skylights) on the east-facing roof of the historic portion of the house.

Priority Policy 69. *Preserve original roof form.*

- *Flat Skylights mounted flush with the roof may be considered, Bubbled or domed skylights are not appropriate. Skylights should not be visible on primary facades of buildings.*

The applicant is proposing to add four ‘Solatubes’ on the east facing (not primary façade) roof of the historic portion of the house. These are small (1/2 basketball-sized domes) that sit about 12-inches above the roof that allow light into the house. Compared to skylights, there is a reduced loss of historic fabric. Light is transferred in a manner similar to fiber optics. These are smaller than typical domed skylights and will have less impact on the existing fabric. However, they are domed in shape and site above the roof (not flush).

While this type of ‘skylight’ is not specifically addressed in the Design Standards, we believe that the principal behind the Policy that allows flush mounted skylights would be applicable here. Therefore, we believe that “Solatubes” or similar products on historic structures should not be allowed.

This policy addresses the visual impacts of adding skylights, not the impacts to the historic fabric. Hence, Staff believes that the proposed “Solatubes” do not meet this Policy. Does the Commission concur?

4. Enlarging the existing openings of the windows on the west elevation of the historic portion of the house.

In order to obtain additional interior light and larger exterior views on the west elevation, the applicant is proposing to enlarge the existing historic window openings and install new larger windows in their place. The existing windows are not historic but are set in existing historic openings. The historic openings are slightly larger, but larger towards the floor, not towards the roof. Some of the fabric to the side of the north opening had been previously been removed, but the window headers are still intact and the base openings are still intact. The other window, to the south, opening is intact.

The proposal is to remove portions of the historic log fabric to install the larger windows. Staff has identified four Policies and one Priority Policy in the Handbooks that do not support this action.

Priority 77. Maintain original window proportions.

- *Most windows have a vertical emphasis.*
- *Do not close down or enlarge the original opening to accommodate smaller or larger windows*

23. Avoid removing or altering any historic material or significant features.

- *Preserve original doors, windows and porches.*
- *Preserve original facade materials.*
- *Examples of historically significant architectural features are porches, turned columns, brackets, and jig-saw ornaments. Other significant elements may be the overall building form, or roof form.*

56. *Protect historic wood with paint, varnish or other protective finish.*

- *Repair frames by patching, splicing or reinforcing them.*
- *Avoid removal of historic materials.*
- *If replacement is necessary, replace in kind, to match the original.*

75. *Protect historic wood by painting.*

- *Repair frames and sash by patching, splicing or reinforcing.*
- *Avoid removal of historic materials.*
- *If replacement is necessary, replace in kind, to match original.*
- *Refer to technical information available at the Department of Community Development.*

As proposed, enlarging the windows would result in failing Priority Policy 77 and incur negative points under the other Policies. Staff cannot support the proposal to enlarge the windows. Does the commission concur with Staff's interpretation of these Policies?

5. Adding a new window on the west elevation of the historic portion of the house.

Priority 76. *Avoid changing the position of historic windows.*

- *This is especially important on significant facades of Contributing Buildings.*
- *Also avoid adding new windows to facades visible from the street on Contributing Buildings.*

In addition to the above concerns and Policies, Priority Policy 76 specifically identifies avoiding adding new windows. In this case, Staff believes the alley is the 'street' facing the primary façade. We believe this proposal fails Priority Policy 77. Does the Commission concur?

Snow Removal and Storage (13/R): As mentioned above, the proposed porch and upper level deck would encroach further into the platted snow storage area than the existing stoop and stairs. Staff has contacted the Street Department with this proposal and they do not support any further encroachment. The Town maintains this alley and available areas to stack snow are very limited.

Point Analysis (Section: 9-1-17-3): At this preliminary hearing Staff has found the proposal to be failing Absolute Policy 5, Architectural Compatibility for not being in *substantial compliance with both the design standards contained in the "Handbook Of Design Standards" and all specific individual standards for the transition or character area within which the project is located.* Specifically, Priority Policies 76 and 77.

In addition, negative points (5 to 10) would be incurred under Relative Policy 5, Architectural Compatibility for "*action which is in conflict with this primary goal or the "Handbook Of Design Standards".* Specifically, Policies 23, 39, 56, 75, and 99. With this many conflicts, Staff is suggesting negative ten (-10) points. Does the Commission concur?

Staff Recommendation

1. As proposed, enlarging the windows would result in failing Priority Policy 77 and would be incur negative points under Policies 23, 56, and 75. Staff cannot support the proposal to enlarge the windows. Does the Commission concur with Staff's interpretation of these Policies?
2. Priority Policy 69 addresses the visual impacts of adding skylights, not the impacts to the historic fabric. Hence, Staff believes that the proposed "Solatubes" do not meet this Policy. Does the Commission concur?
3. Priority Policy 76 specifically identifies avoiding adding new windows to contributing historic buildings. In this case, Staff believes the alley is the 'street' facing the primary façade. We believe this proposal fails Priority Policy 77. Does the Commission concur?

4. Staff is suggesting negative points under Relative Policy 5, Architectural Compatibility for “*action which is in conflict with this primary goal or the "Handbook Of Design Standards"*”. Specifically, Policies 23, 39, 56, 75, and 99. With this many conflicts, Staff is suggesting negative ten (-10) points. Does the Commission concur?

Staff has identified the policies that fail and incur negative points for this proposal. The Planning Department recommends this proposal return for another hearing with a plan in substantial compliance with the Historic Handbooks of design Standards and the Development Code.

We welcome any additional Commissioner comments.

EVALUATION OF SIGNIFICANCE

Name of Property: Noble Stable

Address of Property: 213B South Ridge Street

Legal Description: Block 13, Lots 6 & 7, Abbett Addition

Is the property located in the Breckenridge Historic District? Yes.

Date of Construction: 1901

Date of Alterations: The stable underwent exterior renovations in the 1980s, which included an addition of a large, 1 1/2 story, residential-style wing to north side of the structure.

Is the building on its original site? Yes.

Description of Architectural and Physical Appearance: The structure is a one-story stable with a side-gable ground plan. The exterior walls of the structure have been encapsulated with new clapboard and its roof has been re-sheathed with modern materials. Its original walls and interior fabric are intact. New window openings, on the building's west façade, have been carefully placed where there were once historical door openings.

Consequently, all four walls are intact. A portion of the stable's east wall is constructed of logs. The rest of the structure is comprised of full-dimension, pine lumber. The stable underwent exterior renovations in the 1980s, which included the addition of a large, 1 1/2 story, residential-style wing to the north side of the structure.

Statement of Significance: The stable was constructed for J. E. Noble in 1901. That same year a new, frame cottage was constructed on the front of the property for Noble. Noble was in the grocery business, and the building probably stabled the horses used in his delivery operations.

Rate of Significance: Below average. The integrity of the barn has been greatly compromised by a 1 1/2-story residential-style structure on the building's north side. However, the addition was sensitive to the original fabric, walls, and openings of the historic stable. Consequently, the modern, 1 1/2-story addition and new exterior sheathing could, potentially, be removed without any further damage to the historic structure.

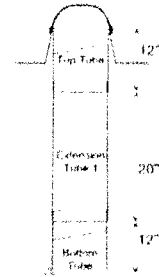
Transfer Zone

4 Extension Tubes Required

Run measured from top of roof deck to bottom of ceiling plane along centerline of tubing.

- | | |
|--|--|
| E0 Base Kit, No Extension Tubes – Max Run = 16" | E7 Seven Extension Tubes – Max Run = 170" |
| E1 One Extension Tube – Max Run = 38" | E8 Eight Extension Tubes – Max Run = 192" |
| E2 Two Extension Tubes – Max Run = 60" | E9 Nine Extension Tubes – Max Run = 214" |
| E3 Three Extension Tubes – Max Run = 82" | E10 Ten Extension Tubes – Max Run = 236" |
| E4 Four Extension Tubes – Max Run = 104" | EXX Total Run Length to be Determined by Bidding Contractor |
| E5 Five Extension Tubes – Max Run = 126" | |
| E6 Six Extension Tubes – Max Run = 148" | |

Assuming 6" high no-pitch flashing



4a Options (Leave blank if not desired)

- | | |
|---|-----------------------------------|
| A1 One 0-90 Degree Extension Tube (Angle Adapter) | E Wire Suspension Kit |
| A2 Two 0-90 Degree Extension Tubes (Angle Adapter) | SCG Severe Climate Glazing |

Delivery Zone

5 Diffuser Lens/Decorative Fixture*

- | | |
|--|---|
| L4 Classic Vision™ Diffuser  | L9 JustFrost Decorative Fixture  |
| L10 TierDrop Decorative Fixture  | L11 OptiView® Decorative Fixture  |

*Must order Effect Lens; does not come standard

5a Effect Lens

- | | |
|-------------------------------|---------------------------------|
| LN Natural Effect Lens | LS Softening Effect Lens |
|-------------------------------|---------------------------------|

5b Options (Leave blank if not desired)

- | | |
|--|---|
| CFL Compact Fluorescent Light Add-On Kit (One 26W CFL, 4 pin-Not Included) 120/277 V | D Daylight Dimmer™ |
| INC Universal Light Add-On Kit with Medium Screw Base (Accepts one 23W Maximum Fluorescent Lamp, Medium Base, Total Maximum Length 4 3/4"-Not Included) | VEN Ventilation Add-On Kit (110 V) |
| | RV Roof Vent Cap for Ventilation Kit |

6 Measurement Standard

- | | |
|-----------------|-------------------|
| M Metric | I Imperial |
|-----------------|-------------------|

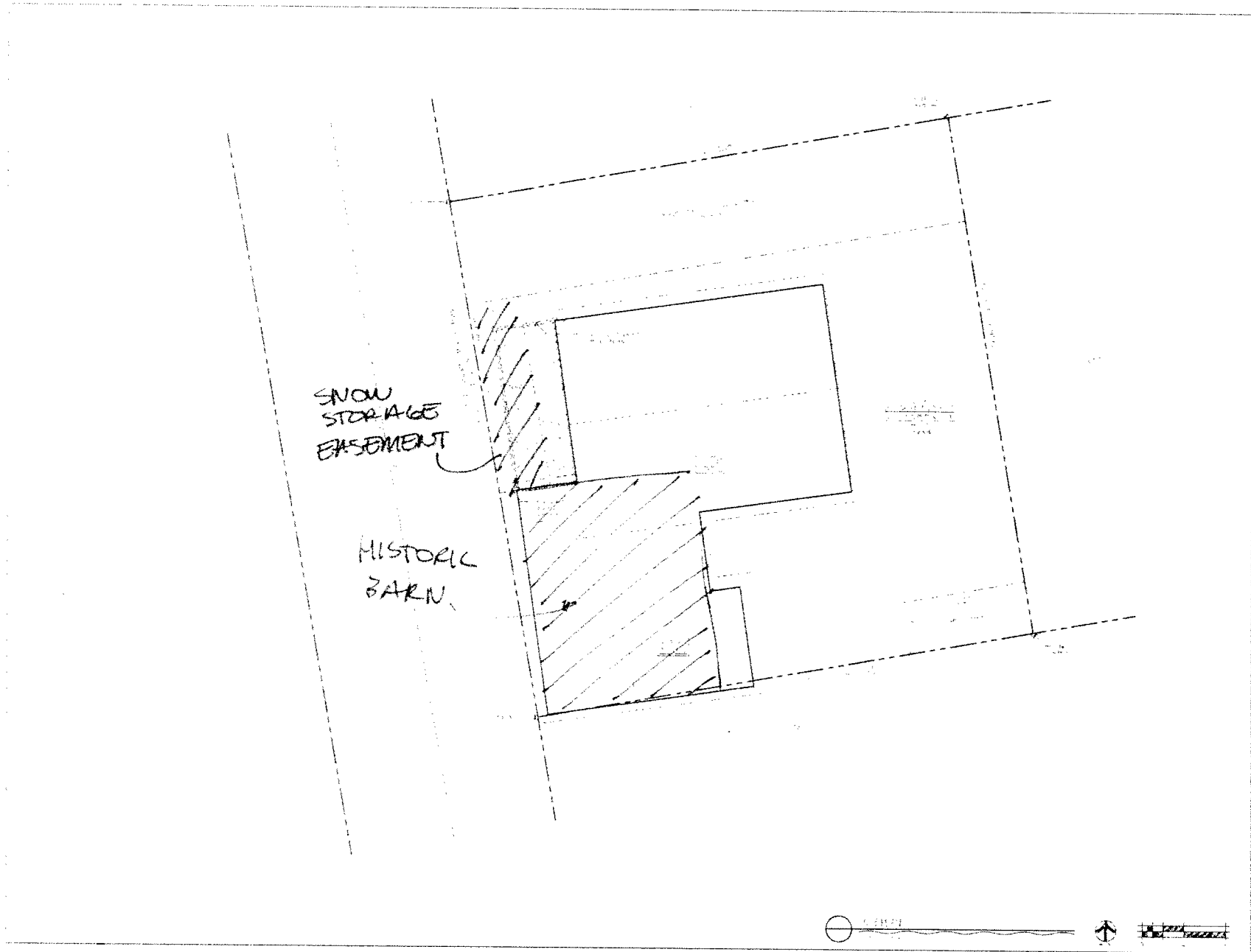
Accessories (Order separately.)

- SW** Low voltage switch (white) required to operate Solatube Daylight Dimmers. Note: Only one switch is required per ten (10) synchronously controlled dimmers.
- CA** Two Conductor Low Voltage Cable (500 ft.)

Example

160DS-DA-F6-E3-L9 LN D INC-M

Brighten Up® Series Solatube 160 DS (10 in/250 mm Daylighting System), Acrylic Dome, 6-inch high Flat/No Pitch Self Mounted Flashing, 3 Extension Tubes, JustFrost Decorative Fixture, Natural Effect Lens, Daylight Dimmer and Universal Light Add-On Kit with Medium Screw Base. For metric installations.

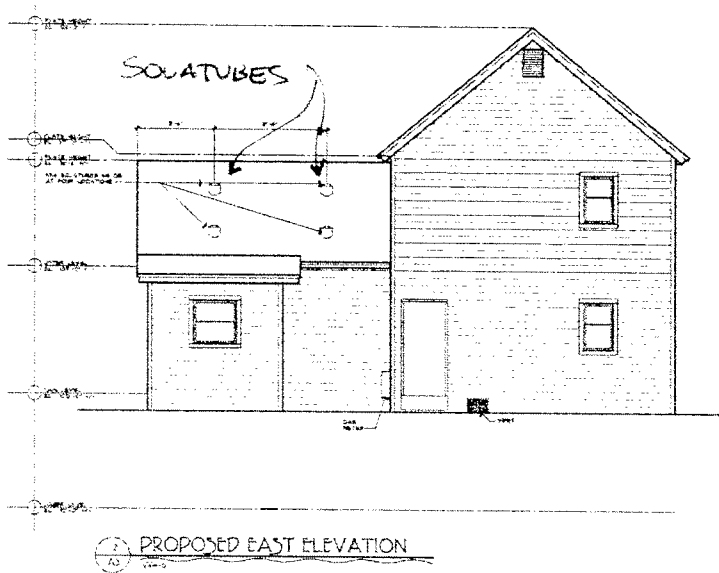
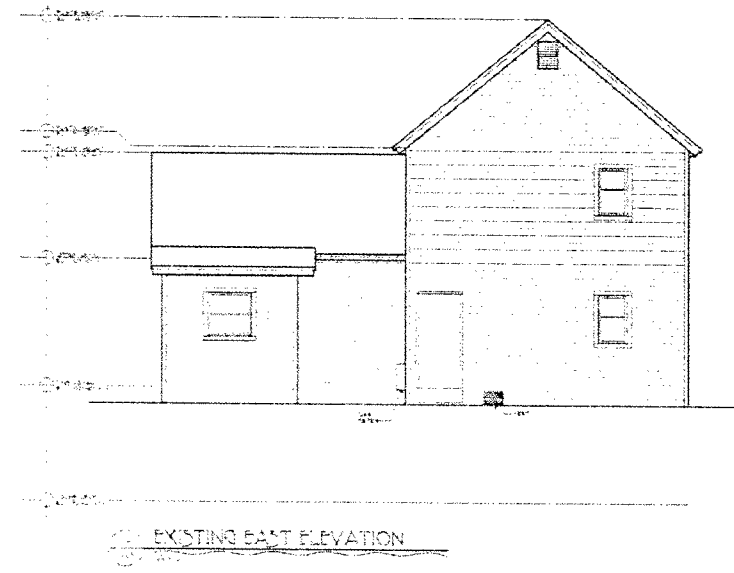
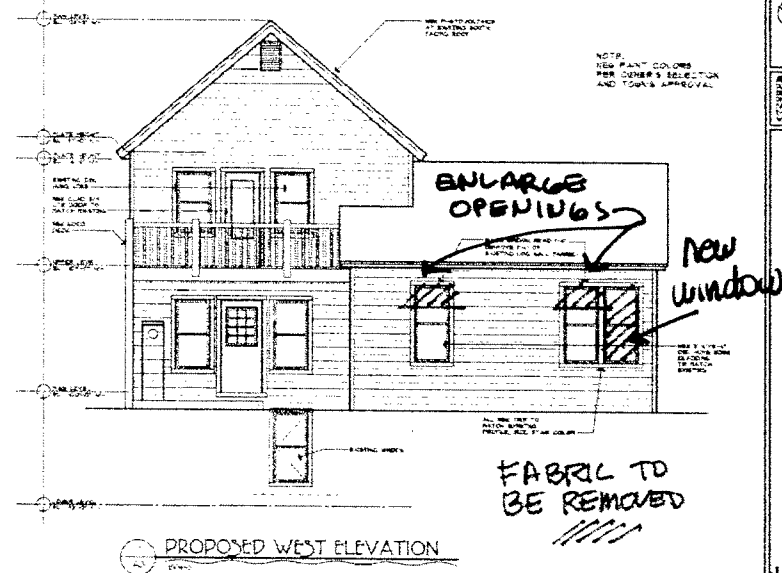
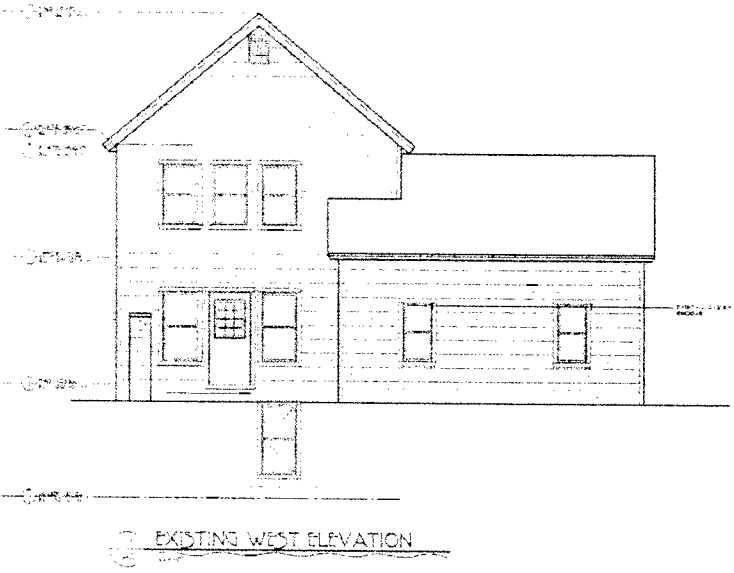


ALLEN & CO.
ENGINEERS, P.C.

RADOSEVICH RESIDENCE
 10374 ALDENWAY, GREENWICH, OHIO 44130
 ENGINEERED BY COLLEEN R. RADOSEVICH
 SITE PLAN



All



ALLEN-GLENDEN DESIGN ARCHITECTS PC

ALLEN-GLENDEN DESIGN ARCHITECTS PC
1000 14TH AVENUE, SUITE 100
DENVER, COLORADO 80202
TEL: 303.733.1111
WWW.ALLENGLENDEN.COM

RADOSEVICH RESIDENCE
LOT 6 - A REPLAT OF LOTS 6 & 7, BLOCK 13 - ARBETT ADDITION
Breckenridge, Colorado

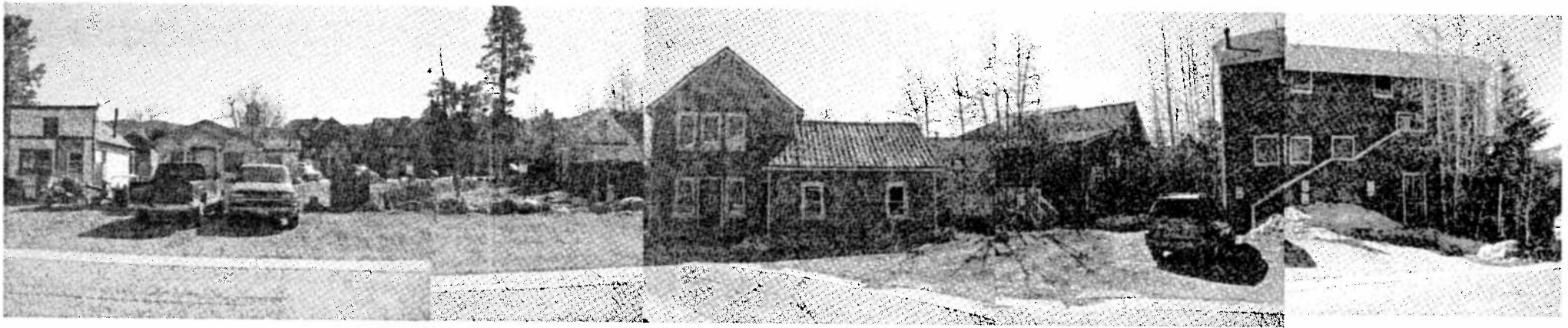
EXISTING & PROPOSED EAST/WEST ELEVATIONS

ISSUE	DATE
PLANNING	1 APR 2016

PROJECT #16

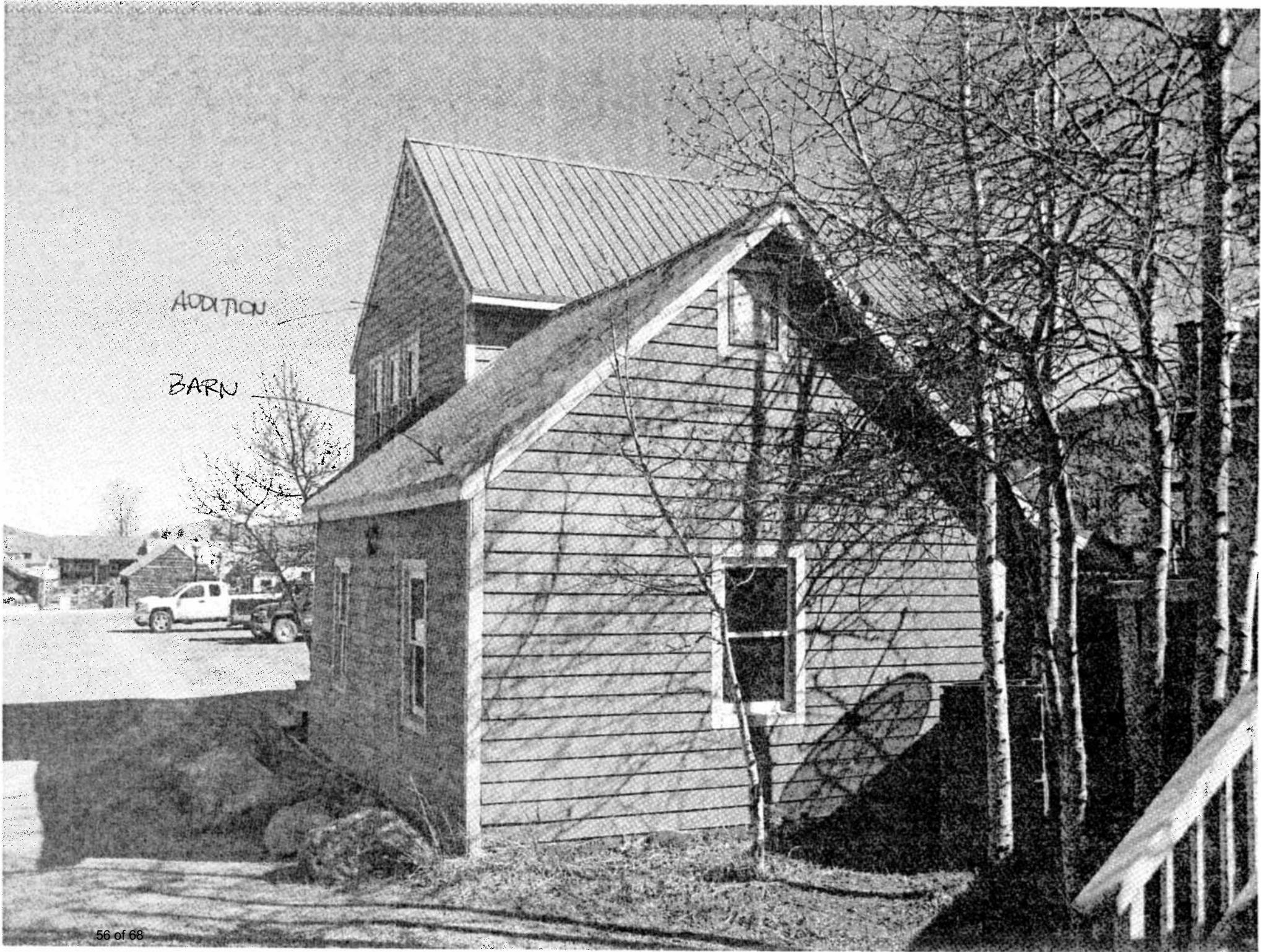
A3





ADDITION

BARN



Planning Commission Staff Report

Subject: Dabl House Outbuilding and Solar Panels
(Class B Historic, Preliminary Hearing: PC#2009036)

Proposal: To construct a new outbuilding, with full basement, at the rear of the lot. This building will function as an apartment. The required parking for the residence is located in the front yard off of French Street. An array of 12 photovoltaic solar panels is proposed on the main historic building and the non-historic building.

Date: May 6, 2012 (for the Meeting of May 15, 2012)

Owner/Applicant: Dabl Development, Inc., Lee Edwards

Project Manager: Michael Mosher, Planner III

Agent: Lee Edwards, Dry Rot Construction; Michael Shult, Architect

Address: 108 North French Street

Legal Description: Lot 6, Block 3, Abbetts Addition

Site Area: 0.07 acres (3,058.32 square feet)

Land Use District: 18.2 – Residential and Commercial Uses – 20 UPA and 1:1 FAR

Historic District: (1) East Side Residential Character Area

Site Conditions: The site is located on the east side of French Street and the back of the property abuts the Longbranch Condominium property. The lot slopes slightly to the east (towards the alley), and contains an 1890 historic structure with a 1998 addition with full basement beneath both buildings. The back yard development area has been used as unscreened outdoor construction/machinery storage. The Snow Stack Easement on the Dabl House property near the drive-through lane at the neighboring bank has been removed at the rear of the property with a “Second Amendment to Easement Agreement (reception number 676016). With this modification to the easement and agreement, the applicant is granted access to the property through the existing four parking spaces on the bank lot. The parking spaces on the bank property remain with this agreement.

Adjacent Uses:

North:	Craig Residence
South:	Bank of the West
East:	Longbranch Condos
West:	Ridge Street/Stais Architects Building

Density/Mass:

Allowed based on 100% Commercial use:	3,058 sq. ft.
Allowed based on 100% Residential Apartment:	2,247 sq. ft.
Allowed Apartment use (based on 1,322 sq. ft. existing commercial):	957 sq. ft.
Existing Commercial:	1,322 sq. ft.
<u>Proposed Apartment:</u>	<u>648 sq. ft.</u>
Subtotal:	1,970 sq. ft.

9 UPA:

Recommended:	1,011 sq. ft. @9 UPA
Allowed w/ neg. points	1,123 sq. ft. @ 10 UPA
Existing:	697 sq. ft.

Proposed (697+345): 1,042 sq. ft. @9.28 UPA

Height: Recommended: 23'-0" (mean) – measured from existing grade
Historic House: 13'-0" (mean); 16'-0" (overall)
1998 addition: 14'-0" (mean); 17'-0" (overall)
Proposed: 19'-9" (mean); 22'-9" (overall)

Lot Coverage: Buildings: 853 sq. ft. (27.8% of the site)
Hard surface: 383 sq. ft. (12.7% of the site)
Open Space: 1,822 sq. ft. (59.5% of the site)

Parking: Required:
Commercial: 4 spaces (1,322/400 = 3.31)
Residential apartment: 1 space (1 bedroom)
Total: 5 spaces

Provided: 4 spaces off-site - (Per Agreement w/adj. prop. Owners)
1 space on-site
Total: 5 spaces

Setbacks: North: 3' South: 6'
East: 11' West: 98'

Item History

The original building (Miar's House) was constructed as a residence in 1890 and has been designated as a "Contributing Structure" to the Town's Historic District and as "Contributing" to the National Register Historic District Boundary in the Town. The building reflects the simple vernacular wood frame architecture of the Town - steep roof (12:12 pitch), simple rectangular shape, 4-inch reveal lap siding, and narrow double hung windows. (Most notable is the absence of any architectural features and ornamentation). The residence has been altered over the years into its current configuration. In 1979, an addition was constructed on the rear of the residence, and a porch was added over the entryway (PC#79-5-17). The most recent modification was the addition of the basement and an addition to the rear of the historic building with an exterior remodel, (PC#1998051).

An application to place a shed and fence on this property was first reviewed by the Commission on September 2, 2003. Including the 2003 date, this application, with modifications, has been before the Planning Commission six times as a preliminary hearing. The most recent review was September 1, 2009.

Per Section 9-1-24: Effect Of Ordinance Change On Pending Applications: of the Development Code, ...For the purposes of this section, a class A development permit application is inactive if it has not been heard by the planning commission for a period of one year; and all other development permit applications are inactive if they have not been heard by the planning commission for a period of six (6) consecutive months...

Since the last submittal this application has not been heard in over six months, this review is subject to current Development Code policies. One applicable policy change that affects this review is "Ordinance No. 32 Series 2010, An Ordinance Amending Chapter 5 Of Title 9 Of the Breckenridge Town Code by Amending "The Breckenridge Design Standards" Concerning Footprint Lots". In this ordinance, Several Priority Policies and Design Standards of the Handbook of Design Standards for the Historic and Conservation Districts were modified to address the height, massing, finishes and details of secondary structures. These changes are listed below with the additions underlined (Priority Policies are in **bold**).

80. *Respect the perceived building scale established by historic structures within the relevant character area.*
- *An abrupt change in scale within the historic district is inappropriate, especially where a new, larger structure would directly abut smaller historic buildings.*
 - *Locating some space below grade is encouraged to minimize the scale of new buildings.*
 - *Historically, secondary structures at the rear of the property were generally subordinate in scale to the primary building façade. This relationship should be continued with new development.*

Design Standard:

P 81. Build to heights that are similar to those found historically.

- *This is an important standard which should be met in all projects.*
- *Primary facades should be one or two stories high, no more.*
- *Secondary structures must be subordinate in height to the primary building.*
- *The purpose of this standard is to help preserve the historic scale of the block and of the character area.*
- *Note that the typical historic building height will vary for each character area.*

Building Materials

The major building materials for new structures should appear to be similar to those of historic structures in the area. The most common material on primary structures was painted lap siding with a dimension of roughly 4"-4 1/2". Secondary structures such as barns and sheds were typically unpainted wood (horizontal lap or vertical board and batten) or corrugated metal sheet siding.

Design Standard:

P 90. Use materials that appear to be the same as those used historically.

- *New materials that appear to be the same in scale, texture and finish as those used historically may be considered.*
- *Imitation materials that do not successfully repeat these historic material characteristics are inappropriate.*
- *For secondary structures, stain or paint in appearance similar to natural wood is appropriate. Materials such as stone, brick or masonry wainscoting is inappropriate.*

Architectural Details

91. *Use building components that are similar in size and shape to those found historically along the street.*

- *These include windows, doors and porches.*
- *Building components on secondary structures should be similar to those on historic secondary structures.*

Design Standard:

92. *Ornamental elements, such as brackets and porches, should be in scale with similar historic features.*

- *Thin, fake brackets and strap work applied to the surface of a building are inappropriate uses of these traditional details.*
- *Brackets, porches, long eaves, and other ornamental details or embellishments are inappropriate on secondary structures.*

Design Standard:

P 95. The proportions of window and door openings should be similar to historic buildings in the area.

- *This is an important design standard.*
- *These details strongly influence the compatibility of a building within its context.*
- *Large expanses of glass, either vertical or horizontal, are generally inappropriate on commercial or residential buildings. Oversized doors that would create a "grand entry" are also inappropriate.*
- *Smaller windows with simple window frames are recommended for secondary structures.*

(Highlight added)

Since many on the Commission are not familiar with the proposal review in the past, we have included the last meeting's minutes at the end of this report.

Staff Comments

The new building is a three level apartment. Interior stairs connect the main level and the upper level. However, to access the lower level is taken outside the building on external stairs. The outbuilding is proposed as 1-1/2 stories above ground and is taller than the one-story main building.

Architectural Compatibility/Historic and Conservation District Standards (5/A & 5/R): We are addressing the Scale/Massing, Finishes, and Details of the proposed building under *Section B, Conservation District*, of this policy for the Conservation District.

Scale and Massing:

As mentioned above, **Priority Policy 81** now states “*secondary structures must be subordinate in height to the primary building*”.

Additionally, **Priority Policy 86**, *Design new buildings to be similar in mass with the historic character area context.*

- *The overall perceived size of the building is the combination of height, width and length and essentially equals its perceived volume. This is an extremely important standard that should be met in all projects.*

Per the Design Standards for the Historic District Character Area #1:

Character of historic development:

“Each residential site included a collection of secondary structures that housed supporting functions. Storage sheds, barns, outhouses and stables were typical outbuildings. Many were located at the back of properties, some on alleys. These outbuildings were a smaller scale, made of unpainted wood, usually “barnwood” siding. Most had metal roofs.”

Outbuildings:

Also: “Smaller outbuildings located to the rear of the main house are seen on many lots. The scale of the primary structure is established by contrast with these smaller structures. The supporting structures are important features of the historic districts and contribute to the sense of historic character.”

As proposed, the 1-1/2 story outbuilding is about 7.5 feet taller than the primary structure and subsequently fails **Priority Policies 81 and 86**, along with incurring negative five (-5) points for conflicts with the primary goal of the “Handbook of Design Standards” for not supporting the *Character of historic development and Outbuildings*.

Finishes:

The applicant has indicated that reclaimed board and batten siding, the old wooden siding from the remodeled Fatty's Pizzeria, is to be used on the portions of the exterior of the outbuilding. The drawings also show a corrugated steel wainscot at the base of three sides of the building. The north elevation is fully faced with

corrugated steel. **Priority Policy 90** identifies natural wood as an appropriate finish and materials such as stone, brick or masonry wainscoting as inappropriate.

Most outbuildings were covered in natural barn wood and with some later additions (1940's +/-) sided with metal siding to cover the aging wood. To our knowledge, metal wainscoting was never used on historic outbuildings. Staff suggests that wainscoting not be used on this building. Does the Commission believe the metal wainscoting supports the *Character of historic development* in this Character Area and abides with **Priority Policy 90**?

The roof pitch is 10:12 and the form is a simple rectangle. The gable shed roof is asphaltic shingles and the shed roof over the stair is noted as a "self-rusting corrugated" metal. Though it is stated that "most had metal roofs", there are examples of sheds with asphaltic shingles. We have no concerns.

An external stair accesses the lower level of the apartment in a concrete stairwell. At the last submittal, the walls of the stairwell were proposed as plank-textured exposed concrete. These drawings do not indicate any finish. Policy 5/R states that exposed unfinished concrete is an "Inappropriate exterior building material". We are suggesting the concrete be finished and noted on the drawings at the next submittal.

Details:

The drawings show that the outbuilding will have a gable dormer on the west elevation with a full porch below. (Staff notes that the historic house has no porch.) The windows are large double hung and vertically orientated. The door is wooden with a 1/2-light of glass.

Design Standard 91 specifies that building components on secondary structures should be similar to those on historic secondary structures.

Design Standard 92 states: "Brackets, porches, long eaves, and other ornamental details or embellishments are inappropriate on secondary structures."

Priority Policy 95 states: "Smaller windows with simple window frames are recommended for secondary structures."

Overall, staff believes that the proposed structure shares more design characteristics with a single-family house rather than an outbuilding. Staff believes the form, detailing, and finishes inappropriate for an outbuilding and subsequently fails the Priority Policy and would receive negative points for the Design Standards. Does the Commission concur?

Skylights:

Per **Priority Policy 69** of the historic standards, flush mounted skylights may be considered if they are not visible from the street. The two fixed skylights are proposed on the east-facing slope of the roof behind the main structure and would not be visible from the primary façade of French Street. Staff has no concerns.

Solar Panels: The application of solar panels to historic structures is a relatively new portion of the Development Code. Per this portion of Absolute Policy 5:

E. Solar Panels and Solar Devices

(1) *Within the Conservation District: The preservation of the character of the Conservation District and the historic structures and sites within the Conservation District are of the utmost importance. The Town encourages the installation of solar panels and solar devices as an alternative energy source. However, there may be instances where solar panels or solar devices are not appropriate on a particular building or site if such a device is determined to be detrimental to the character of the Conservation District.*

To ensure that the character of the Conservation District and its historic structures and sites are protected, an application for a development permit to install a solar panel or solar device within the Conservation District will be reviewed under the following requirements:

(a) Solar panels or other solar devices on roofs shall be placed on a non-character defining roofline of a non-primary elevation (not readily visible from public streets). Solar panels and solar devices shall be setback from the edge of a flat roof to minimize visibility and may be set at a pitch and elevated if not highly visible from public streets. On all other roof types, solar panels and solar devices shall be located so as not to alter a historic roofline or character defining features such as dormers or chimneys. All solar panels and solar devices shall run parallel the original roofline and shall not exceed nine inches (9”) above the roofline.

Applications for new structures within the Conservation District are encouraged to include building integrated solar panels and other solar devices into the initial design, including a similar roof color, rather than as a later addition. Solar panels and solar devices which contrast with the color of the roof of new or historic structures are inappropriate if found to be detrimental to the character of the Conservation District.

(b) Detached arrays of solar panels and solar devices at a historic site may be located in the rear or side yard if the arrays are not highly visible from the public streets and do not detract from other major character defining aspects of the site. The location of detached solar arrays shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.

(b) Solar panels and solar devices shall run closely parallel to the roofline and shall not exceed nine inches (9”) above the roofline. New structures are encouraged to include building integrated solar panels and solar devices into the initial design, rather than as a later addition.

The plans indicate that the proposed solar panels are to be placed on the south-facing roof at the back 1/3 of the primary historic structure and its newer addition to the east. The applicant contends that this location offers the best exposure and is far enough away from the neighboring, much taller, Longbranch Condominiums to obtain better lighting.

The color of the proposed solar panels is the classic dark blue-black. The existing roof material on the historic house and the addition are a gray-colored standing-seam metal. The panels will be darker than the gray roof and will be slightly contrasting. The panels on the historic portion of the house will be visible from French Street.

Staff believes the Solar Panels on the historic portion of the front building may be readily visible from French Street. We ask the Commission if they believe the proposed solar panels are placed on a “non-character defining roofline of a non-primary elevation (not readily visible from public streets)”. Does the Commission believe the panels are set back enough and are compatible in color to the roof?

Density/Intensity & Mass (3/A, 3/R & 4/R), 9UPA: The total commercial density and mass allowed on this site is 3,058 square feet. (This LUD allows a 1:1 FAR for commercial use.) No additional mass bonus is allowed for commercial uses.) With the addition of the proposed outbuilding, the project total of 1,970 square feet is under both density and mass. In addition, this project is located in the East Side Residential Character Area with a recommended 9 UPA of above ground density. For this development, a maximum of 1,011 square feet is recommended. The proposed project totals 1,042 square feet of above ground density, or 9.28 UPA, and is above the recommended 9 UPA. Negative three (-3) points will be incurred for the overage at final review.

Placement of Structures (9/A & 9/R): As a residential use, the proposed building will need to meet the residential setbacks suggested in this Policy. Negative three (-3) points are incurred for each setback not meeting the relative suggested dimension. The absolute and relative setbacks are:

	<u>Absolute</u>	<u>Relative</u>	<u>Proposed</u>
Front (west):	10-feet	15-feet	98-feet
Sides (north and south):	3-feet	5-feet	3-5 feet
Rear (east):	10-feet	15-feet	11-feet

The drawings show the new building to be 3-feet off the north property line (-3 points) and 11-feet of the east property line (-3 points). Hence, negative six (-6) points will be incurred for not meeting two of the relative setbacks.

Parking (18/A and 18/R): This property lies outside the Parking Service Area, so all required parking is to be provided on site (or in this case, some are provided with an agreement to park next door on the bank property). As a result of the added density associated with the outbuilding apartment, an additional parking space is needed. Four off-site parking spaces currently exist via an agreement with the neighboring bank property. These parking spaces are associated with the commercial use on the property. Staff notes, that if the property were to be changed to full residential (main house with accessory apartment) three parking spaces would be needed. With the commercial use and the added apartment use, five parking spaces would now be required.

The proposed parking space for the residential apartment is shown in the front yard off of French Street. The submitted plans show two paving strips for the parking space. Per Design Standard 9 of the *Handbook of Design Standards for the Historic and Conservation Districts* “Screen parking from View” the parking should be placed in the rear of the property or screened from view.

Also, from the *Design Standards for the Historic District Character Area #1, East Side Residential*:

Priority Policy 115. *Design front yards to be composed predominantly of plant materials, including trees and grass, as opposed to hard-surface paving.*

- *Hard surface plazas in front of buildings are generally inappropriate in this area.*
- *Avoid locating parking in front yards.* (Highlight added.)

There is no alley access to the back of the lot. This qualifies as an existing non-conforming condition. Additionally, there is no access from the adjacent bank parking lot. This is why the parking is proposed in the front yard. There are several instances where a variance has been provided to applicants that do not have alley access for the required parking. We note that negative points are still incurred for parking in the front yard. We will provide additional information at the next hearing.

Landscaping (22/A & 22/R): The drawings indicate that 6 Aspen – (2 to 2.5-inch caliper) and 9 Aspen (1.5-inch caliper) are proposed. Staff has no concerns with the size and type of proposed plantings. No positive points are suggested.

Staff Recommendation

At this review, the key issue for this proposal is the lapse between reviews by the Planning Commission and the Code changes that have been implemented since. At this time the proposal is failing Absolute Policy 81 for the massing of the out building being larger than the historic structure. We anticipate changes being submitted for the next hearing to avoid this failure.

However, we would like to provide the applicant with additional direction on the following:

1. Does the Commission find the metal wainscoting supports the Character of historic development in this Character Area?
2. The drawings show that the outbuilding will have a gable dormer on the west elevation with a full porch below. The windows are large double hung and vertically orientated. The door is about 1/2 glass and not typically seen in outbuildings. Does the Commission find the form, detailing, and finishes are appropriate for an outbuilding?
3. Does the Commission believe the solar panels are set back enough and are compatible in color to the roof?

Minutes from the September 1, 2009 Meeting

Public Comment:

Susan Craig, property next door, owned the property since 1978: the existing fence was put up to keep us from using the adjacent property, doesn't want to see it removed. Don't want the proposed new trees back between the houses because of the shade to our lower level and they could cause foundation and utility problems. I don't know why the shed has to be over 2' taller than the original house. The height of the shed could block light into our bedroom downstairs, which was required of us during a remodel because we weren't allowed add a second story. Shed only needs a space to bring items in and out, and I'm not sure what the parking conflict is. I am concerned that the shed will be later converted to an illegal residence.

Commissioner Questions/Comments:

Mr. Bertaux: Does the fence go down toward the east? (Mr. Edwards pointed out the fence location on the plans.) Does this shed require a sewer tap? (Mr. Edwards: No.) (Mr. Mosher: No sewer, heat, etc. will be provided at the shed and it could not easily become a residence based on this application.) (Mr. Neubecker: This shed is considered added density because it is of commercial use.) I believe the proposed materials are compatible with the standards. The placement of the structure does fill in the site so much that it has taken away whatever side yard there ever could be. I am not sure that it complies with the Historic Standards, although it seems he is allowed to do that per Policy 9 of the Development Code. I think the fence height is fine because it matches an existing fence and is at the back of the yard. The added parking is a big issue, and I'm not sure how you cross another owner's property's parking to gain access to your parking and your shed. That should be left to the attorneys. Address as many neighbor concerns as possible. Address the landscaping and drainage issues. Solar panels on the roof are fine. But you probably should try to come back with a shed that is a little shorter.

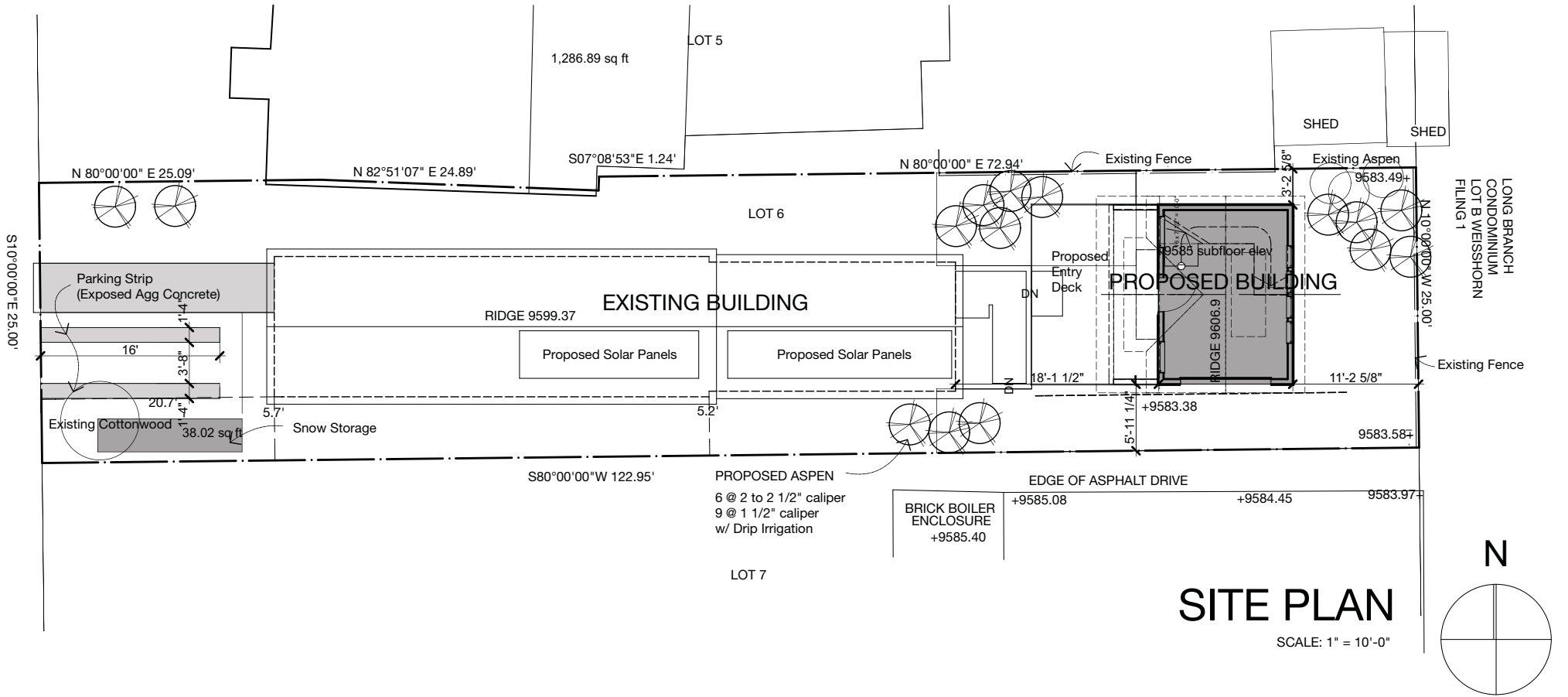
Mr. Pringle: Does the bank understand they grant access to this property through the parking lot, which is needed to satisfy their parking needs? (Mr. Mosher: Yes, the current owner is aware of the conflict at hand from the pre-existing agreement. This will have to be resolved before the next hearing.) I think the color of the solar panels and the roof need to be compatible. Bring in a sample of the roof as it is today and the proposed panel to compare. The property is in a mixed-use Land Use District, allowing residential and commercial, but the Character Area is Residential. The proposed shed should not be allowed to go to a commercial setback. A 5' setback should be maintained. (Mr. Mosher: By the code there are no required setbacks for commercial properties, but the historic district standards requires a yard to be defined, but does not define a measurement of a yard. The question for the Commission is does the proposed placement of the shed define a yard that meets the historic standards?) Don't we have side yard setbacks in this district for the character area? (Mr. Mosher: The minimum required setback is determined by the Development Code, not historic guidelines which address character.) I think we should have a larger north side yard and all yards should be maintained similar to those of the house. It would be to your advantage to bring the height down, although you are within the height allowed. Landscaping is fine. Fence should match the existing fence. Parking is a big issue. If you can't get a finite answer on parking that stands the test of time, we can't go forward.

Ms. Girvin: I walk by this property every day. The back of the property looks like crap right now. It is very visible to the patrons of the bank. If this was a residential property and the shed was accessory, would the additional parking be required? (Mr. Mosher: They would be required to have two spaces; however, the bank provides four spaces for this property with the agreement.) I don't understand the point of the fence along the northwest corner of the shed. (Mr. Edwards: For screening purposes.) A lot of public drives through the bank drive-through or walk through the area. I don't have a problem with the solar panels. I think the current color of roof and panels should be provided to the Commission. I have an issue with the shed windows on the east

elevation which go almost to the floor and above the door. Sheds are a place to store things, and I don't understand why the windows are so large. Sheds are historically in the back of the property, and not in the middle of the back yard, and I think the placement is strange. The examples of larger outbuildings were almost in all cases barns, not sheds. I think it is too tall and shouldn't be taller than the primary building. The parking is an issue, as well as the roll-up door on the shed that will require access, where will it be provided? Essentially two spaces may be abandoned from the bank. The Klack is adjacent to this property. Pedestrians do access the "alley" at the Klack and on the historic map shows it does go through the entire block. Abutting the parking space to this public access way may be an issue after all. The size, height, use of building, and placement are all issues for me. It's just not right. Match your neighbors' sheds. Landscaping can be worked out. Fence height should be matched. Connector fence for shed can likely also be worked out.

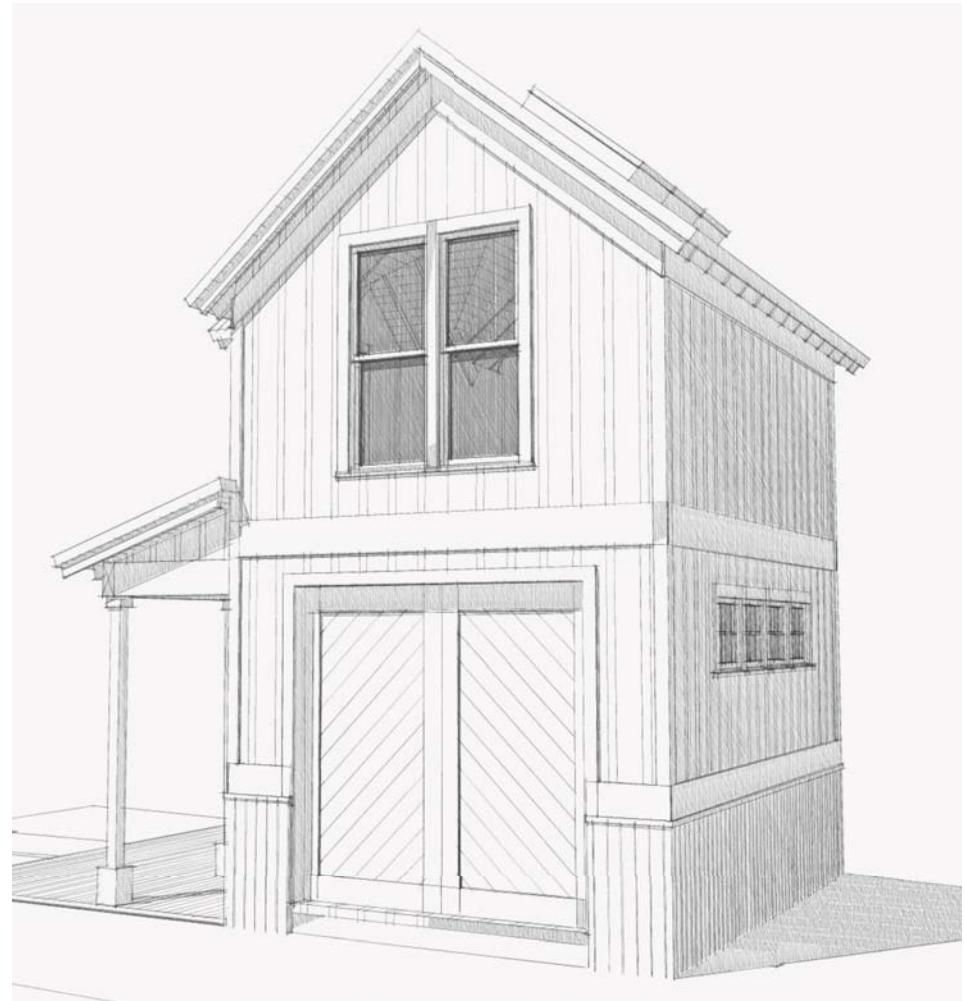
Mr. Schroder: Where could the parking be provided? (*Mr. Mosher:* We do not have resolution for this right now. Staff is investigating options if a permit can be purchased or granted by the town. The additional density creates a need for parking. This should not a burden of the Town.) Solar panels seem to be located correctly per the Code. The colors of roof and panels seem fine, but I would like to see the actual materials. Agree with others that the north yard is too small for this part of the District and for this use. I believe a consistent yard on the north and south sides is appropriate to better meet the yard definition, as Mr. Pringle noted. Could the shed be compressed 2' to provide this? The fence should be uniform in height with existing fence. The shed height should be brought down too. I agree with Ms. Girvin regarding issues with access to the shed and parking and the impacts to the bank. Landscaping concerns should be worked out with the neighbors.

Mr. Allen: Is the issue is that the four parking spaces provided at the bank are a non-exclusive, therefore they can be located anywhere on the bank property, but this property needs access from those four specific spaces? (*Mr. Edwards* noted that, according to the bank, the new property owner is assigning those four spaces go with his property, therefore access can come from that location.) (*Mr. Mosher:* This is between the bank and its current tenants. There is nothing in the recorded agreement that makes this binding.) What is the reason for the taller shed height? (*Mr. Edwards:* the garage door height.) Solar panel location and color are good. I would like to see landscaping worked out with neighbors, as well as other issues with them. The fence should be uniform. Big issues are the height of the shed, and a possible reduction should be proposed. I don't have a problem with an 8' garage door, just the height of the structure. I don't support the placement of the structure as it related to yards. I think it needs a wider yard, and you should take a look at the adjacent side yards in the block. Access is a huge hurdle, and Ms. Girvin brought up a good point. Good luck.

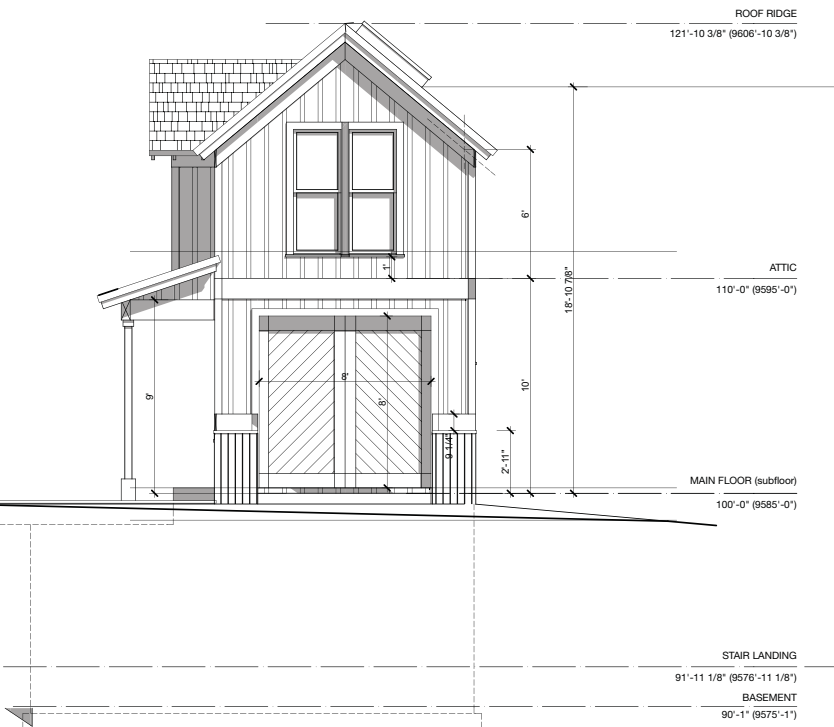




3D.1

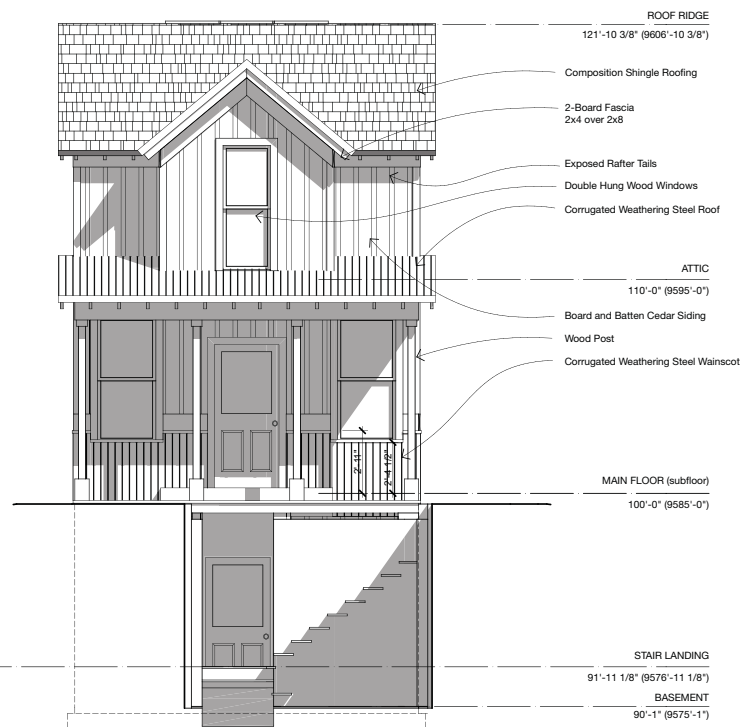


3D.2



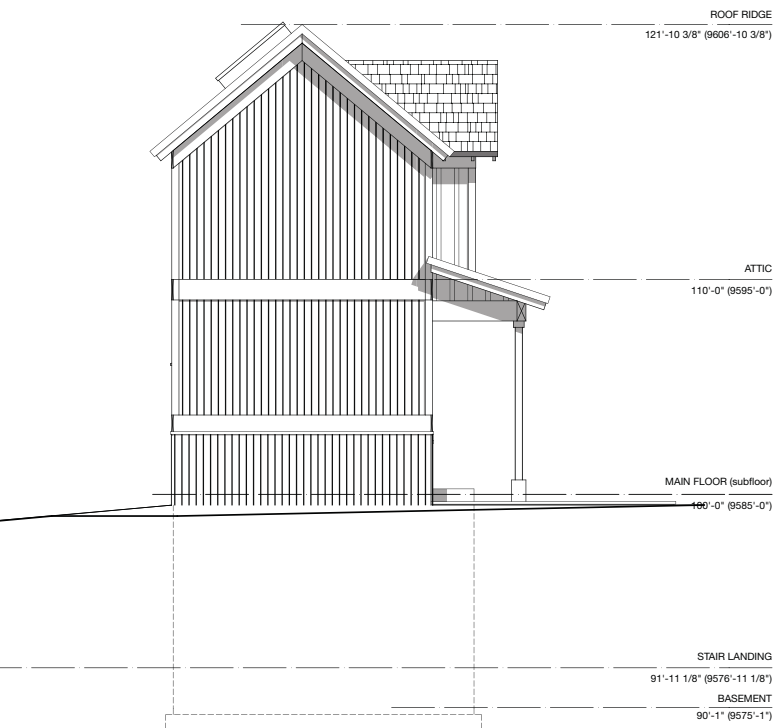
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



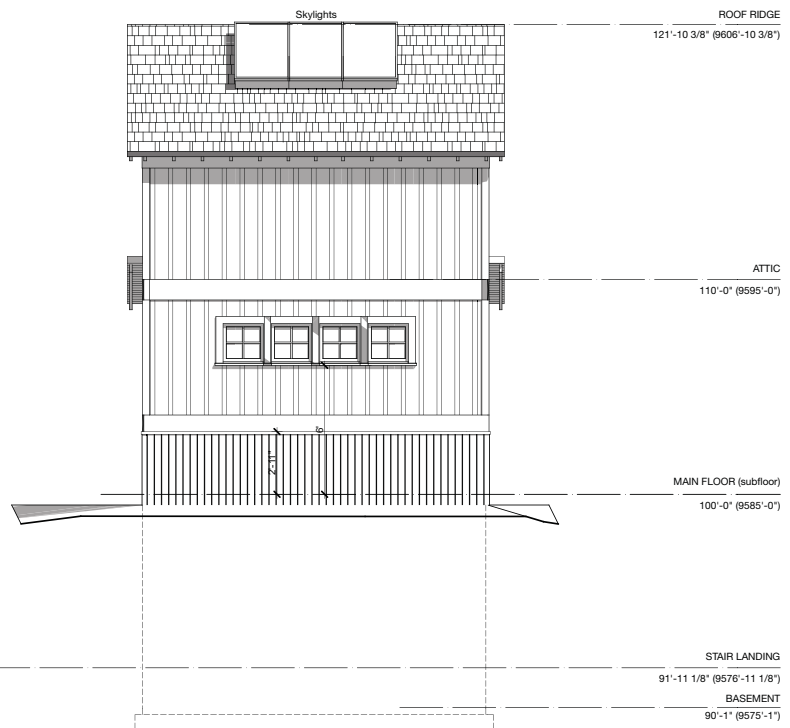
WEST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



EAST ELEVATION

SCALE: 1/4" = 1'-0"