



BOARD SUMMARY REPORT

Date: June 10, 2020

To: Board of County Commissioners

Through: Caitlyn Cahill, Zoning and Animal Services Manager
Jan Yeckes, Planning Division Manager

From: Michelle Lantz, Zoning Inspector

Subject: RR-A and A-1 front setback for accessory buildings

Direction/Information

Staff is recommending two modifications to the Land Development Code. The changes are proposed for the minimum required front setback for accessory buildings in the A-1 (Agricultural-1) and RR-A (Rural Residential-A) zone districts. Current regulations require accessory buildings to be behind the front building line of the principal structure. Staff will provide information and a presentation explaining the proposed changes and answer any questions the Board may have regarding the proposal.

Request and Recommendation

Staff is recommending two modifications.

	Current Regulations	Proposed Regulations
<u>A-1 (min. lot size 19 acres)</u> Principal structure setback – 100 feet	Accessory Structures must be set at or behind the front building line of principal structure	<u>100 feet</u> from front property line
<u>RR-A (min. Lot size 9 acres)</u> Principal structure setback – 50 feet	Accessory Structures must be set at or behind the front building line of principal structure	<u>100 feet</u> from front property line

Discussion

This request is based on a conflict that sometimes arises when a property owner builds a home with a significantly greater setback than the minimum required on these large properties (minimum parcel sizes of 19 acres and 9 acres) and later wishes to add an accessory building such as a barn. A conflict can also occur when a property owner builds an agricultural building without a home on the property. Agriculture and ranch uses are permitted principal uses within the A-E zone district (minimum parcel size of 35 acres, but properties are often much larger) and within the A-1 and RR-A zone districts; as such, an agricultural or ranching use may be established without first

building a home on the property. Agricultural and larger Rural Residential properties also may have constraints, such as floodplains, that would make a different layout on the property work better for permitted agricultural and ranching uses.

In most residential zone districts, accessory buildings are required to be at least as far back on a property as the front building line of a home to preserve a residential character for the property and surrounding area. In these zone districts, a house is required to be constructed as a principal use before an agricultural building can be constructed, and homes are often built at the minimum required setback based on smaller lot sizes and neighborhood configurations.

By comparison, the A-E Agricultural, A-1 and RR-A zone districts permit an agricultural or other “accessory” building to be constructed without a home on the property. Currently, the A-E zone has a minimum setback of 100 feet for either a residential or accessory building, but does not state a requirement that an accessory building must be behind the front building line of the home. In the A-E zone, it is not uncommon to see a barn or similar building constructed in front of a home that is set farther back on the property for privacy while providing good access to the accessory building from the road. The proposed change for the A-1 and RR-A zones would also establish a similar standard.

A study session was held with the Planning Commission on 05/19/20. Some questions and comments from the Planning Commission included:

- Are there any stipulations on what the accessory building can be used for? If someone is building a garage to house tractors, would that be acceptable in front of a house?
- Are there design criteria for what these buildings could look like and a maximum height and size?
- How was the decision made to establish the setback as 100 feet?
- Would the change improve consistency between the zone districts, and is that important?
- Makes sense to allow flexibility to use the land in a way best suited for locating farming uses and for building a house based on the characteristics of the specific property.
- Good to change the code rather than to allow continuing variance requests that do not clearly meet the criteria for BOA approval. How many variance requests for this purpose have been received?

Links to Align Arapahoe

The proposed changes to the A-1 and RR-A setbacks correlates strongly with all of the Align Arapahoe objectives- *Service First, Quality of Life, and Fiscal Responsibility*.

Service First and Quality of Life: The proposed changes for accessory structure setbacks in these two zone districts will allow property owners a better opportunity to utilize their land for agricultural and residential purposes in the most favorable way based on their needs and the characteristics of the property, while still taking into account the intent and need for some type of setback requirement in a rural and semi-rural setting.

Fiscal Responsibility: The current regulations are often overlooked when someone starts building either a residential structure or an accessory building without anticipating where they will eventually want to build other structures. This causes additional work for staff to communicate the requirements to property owners and people working to build on their parcels of land. Additionally, over the past several years, staff has worked with several property owners who went to the Board of Adjustment requesting a variance to the setback requirement.

Alternatives

- 1- Staff recommends preparing a code change to change the front setback for accessory structures in RR-A and A-1 zone districts to 100 feet.
- 2- Ask staff to schedule a study session for further discussion.
- 3- Leave the setback requirement alone.

Reviewed By

Jason Reynolds, Current Planning Program Manager

Jan Yeckes, Planning Division Manager

Bryan Weimer, Public Works and Development Department Director

Todd Weaver, Finance Department Director

Robert Hill, Senior Assistant County Attorney



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A-1 & RR-A Accessory Building Setback

Agricultural 1 (A-1) Zone



What it requires:

- Minimum Lot Size 19 acres
- Accessory Structure front setback “front building line of principle structure”

Proposed change

- 100’ minimum front setback

Rural Residential A (RR-A) Zone



What it requires:

- Minimum lot size 9 Acres
- Accessory Structure front setback “front building line of principle structure”

Proposed change

- 100’ minimum front setback

Agricultural 1 (A-1)



Why change the code?

- Although the min lot size is 19 acres, many lots are 35+ acres.
- An accessory building is allowed to support agriculture without a home on the property.
- Minimum front setback for a home is 100' although most homes are setback much farther.

Agricultural 1 (A-1)



Why change the code?

- Can create the need for additional road construction.
- Using an existing road vs creating additional, longer road access benefits first responders.
- More buildable area on the land.
- Frequent citizen request for change.

Rural Residential A (RR-A)



Why change the code?

- Minimum lot size is 9 acres but lots can be created greater.
- Minimum setback for a home is 50' but can be set back much farther.
- More buildable area on the land.
- Would better align with existing structures on existing RR-A land.

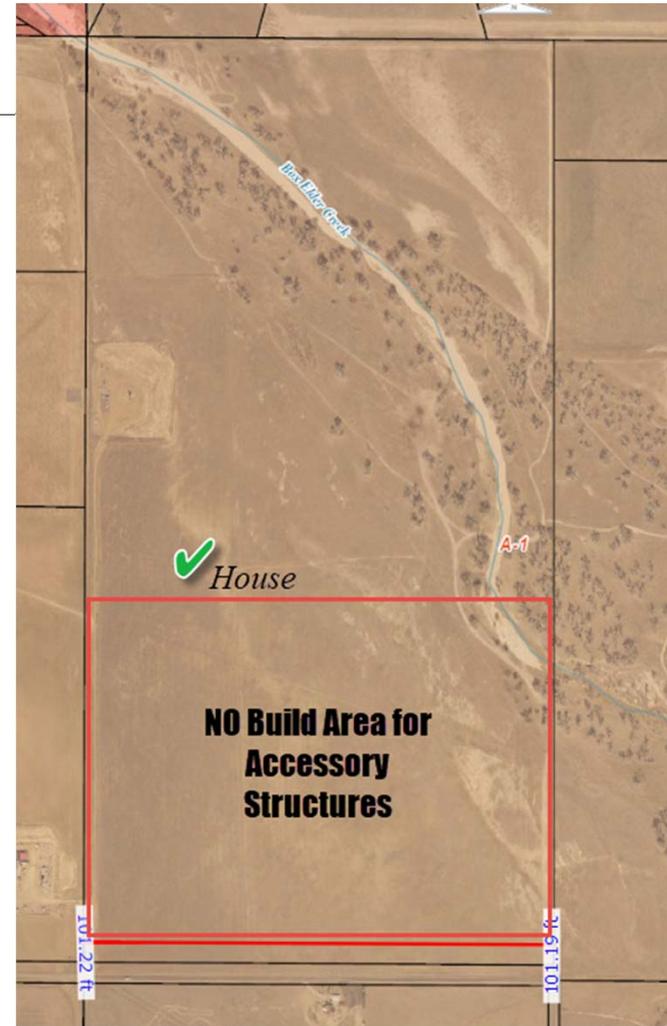
A-1 Examples



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317.46 acres

If house is built first, no accessory structures can then be built in front of the residence.





Above: Property is A-1 and the barn being “in front” of the house is currently not permitted and would be in violation of our regulations

Below: This just shows the complicated layout of properties that we can see in the A-1 zone district and how it could make things even more restrictive.





Above: The area shown in the red could not be built in given the current requirement for all accessory buildings to be behind the principal structure (house).

Below: no buildings can be approved in front of the red line, given where the house is built.



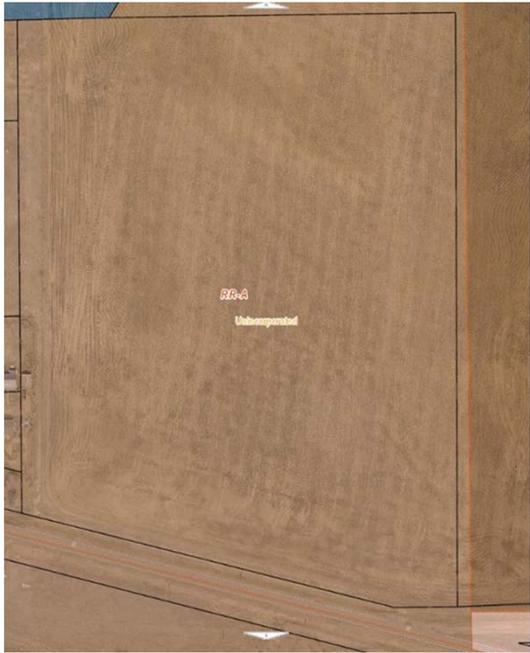
RR-A Examples

13.00 acre parcel

Area in red is only area where a residential building could be placed



This area shows the wide range of shapes and sides of RR-A zoned properties that we can see.



Recommendation



Change the front setback in A-1 and RR-A for accessory buildings to 100'.

Consider options for pre-existing buildings on RR-A. (May be rebuilt with permit or if the structure was otherwise exempt from a permit due to size or use.)