



Town of New Castle **Planning and Code**
450 W. Main Street **Administration Department**
PO Box 90 **Phone:** (970) 984-2311
New Castle, CO 81647 **Fax:** (970) 984-2716

Memo

To: Mayor Art Riddile & Town Councilors
From: Tim Cain
Date: October 27, 2016
RE: Request for Five (5) Easement

Mayor Riddile & Town Councilors;

Applicants, Dr. Lauren Roper & Raul Morale, have submitted exterior renovation plans for 500 W. Main St. aka "Odd Fellows Building." This building was designated as a Historic building in 1998. Any exterior alteration of this building requires that the Historic Preservation Commission (HPC) approve of the exterior renovation plans.

The HPC convened an open meeting on October 17, 2016 where the members of HPC approved of the exterior alteration. A Certificate of Approval accompanies this memo. One of the conditions of approval is item "E".

The applicants would like to open a dental office on the first level of the building. In order to shed sunlight inside, Dr. Roper & Raul Morales would like to install four (4) new windows on the east side of the building. The Town's Building Official and the applicant's architect have agreed that a five (5) foot is needed on the east side of the building which is on Town property. The architect, Brad Zeigel has submitted a letter explaining the reasons why a five (5) foot easement is needed.

My recommendation to council is to consider approval of the easement. If approved, Dr. Roper and Raul Morales will survey the property and record such easement.

**TOWN OF NEW CASTLE
HISTORICAL PRESERVATION COMMISSION
CERTIFICATE**

Permit Number: 2016-01

This Historical Preservation Certificate is hereby issued to Dr. Lauren Roper and Raul Morales to allow for the exterior renovation at the following address: 500 W. Main St. with legal description of Block A, Lot 9 of the Original Townsite Plat, New Castle, Colorado located in the C-1 Zone District in conformance with the requirements of the New Castle Municipal Code Chapters 15.44 (Article 6) and 17.44. The request for exterior renovation was considered at a public meeting on October 17, 2016 before the Historical Preservation Commission and recommended for approval

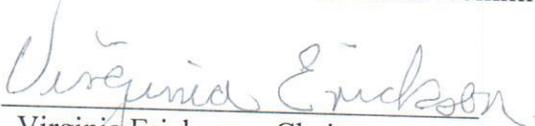
Conditions of approval.

- A. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements.
- B. In the event that substantial alteration of the approved exterior renovation plans are needed, the Applicant or owner will present revised plans to the Historical Preservation Commission at their regularly scheduled meeting which occurs on the third Monday of each month.
- C. In the event Town staff observes substantial deviation from the approved plans, the Applicant and/or owner may be summoned before the Historical Preservation Commission in a public meeting to show cause why the HPC Certificate should not be revoked, suspended, or additional conditions imposed. Such show-cause meeting shall be open to the public and the Applicant or owner may present testimony or offer other evidence on its behalf.
- D. All representations of the Applicant made verbally or in written submittals to the Town in conjunction with the application and before the Historical Preservation Commission shall be considered part of the application and binding on the applicant.
- E. Upon approval of New Castle Town Council, applicants will survey and record a five (5) foot easement on the east side of the property and record it with Garfield County.

This Certificate is hereby approved by the New Castle Historical Preservation Commission upon signature below.

Date

10/20/16


Virginia Erickson – Chairman



memo

to: Bruce Stolbach, Town of New Castle, Building Inspector

from: Brad Zeigel, AIA

date: 10.27.16

re: 500 W. Main Street: Easement Proposal

cc: Tim Cain, Town of New Castle, Lauren Roper and Raul Morales (Owner)

Reason for an Easement Request:

The existing historic building at 500 W. Main Street shares a property line with property owned by the Town of New Castle. There is roughly 35' between the east wall of 500 W. Main Street and the Town of New Castles Town Hall & Police Station. This space is currently open and used as a park. The east wall of the historic building that faces the park is 10 inches from the shared property line and there are four (4) historic windows on this elevation. Dr. Lauren Roper and Raul Morales have purchased the building and are in the final stages of designing a new dental office on the first floor and their home on the second floor. In this process it has become clear that maintaining the existing windows and adding four new smaller windows into the first floor would be of great benefit to the new use of the building. Below are the specific IBC code sections as well as drawings that illustrate the proposed design solution.

Building Code Summary:

The provisions in the 2003 IBC, Table 704.8, regulates how many openings (doors and windows) a building can have on an exterior wall based on the distance to the property line. Our building, because it's only 10 inches from the property line, will not permitted any doors or windows in this wall. A strict interpretation would require all existing openings to be abandoned and filled in with 1 hour construction.

We are requesting that a 5' easement be provided on the adjacent Town of New Castle lot so that we can keep the existing windows and add four (4) windows as proposed in our plan.

If the Town should choose to build a building adjacent to the easement line it would be subjected to the same requirements noted below: For example, if the Town built directly on the easement line the building would not be allowed to have openings in this wall. However, if that wall was greater than 5 feet from the easement line it would be able to have up to 10% of the wall as unprotected openings (doors and windows).

Fire Separation Distance and an Imaginary Property Line:

This is not a strict interpretation of the code but it is within the intent of the code. The code has a provision for buildings on the same property (IBC Chapter 7, Definitions). This allows for the

creation of an imaginary property line between two (2) buildings on the same property and the provision for openings in the walls based on the distance from that imaginary property line. Although these are two separate properties, we feel the intent of the code is met since fire separation and life safety is accomplished as defined by the IBC.

Building Code Analysis:

2003 IBC – Chapter 6 Types of Construction : V-B, Non-Sprinklered

Table 602: Fire-Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance (hours)

Fire Separation Distance

< 5' = 1 hour Group B & R(b)

(b) Group R-3, as applicable in Section 101.2 (Exception 2-Existing Building), shall not be required to have a fire-resistance rating where the fire separation distance is 3 feet or more.

Project: The existing exterior wall exceeds the 1 hour fire-resistance rating as required.

2003 IBC – Chapter 7 Fire-Resistance-Rated Construction

Fire Separation Distance: The distance measured from the building face to the closest interior lot line, to the centerline of a street, alley or public way or to an **imaginary line between two buildings** on the lot. The distance shall be measured at right angles from the face of the wall.

Table 704.8: Maximum Area of Exterior Wall Openings / Unprotected Openings & Fire Separation Distance (feet)

0-3': Not permitted

Greater than 3'- 5': Not permitted

Greater than 5' – 10': 10% permitted

Project: The existing and proposed openings = 7% of the wall surface.

Proposal:

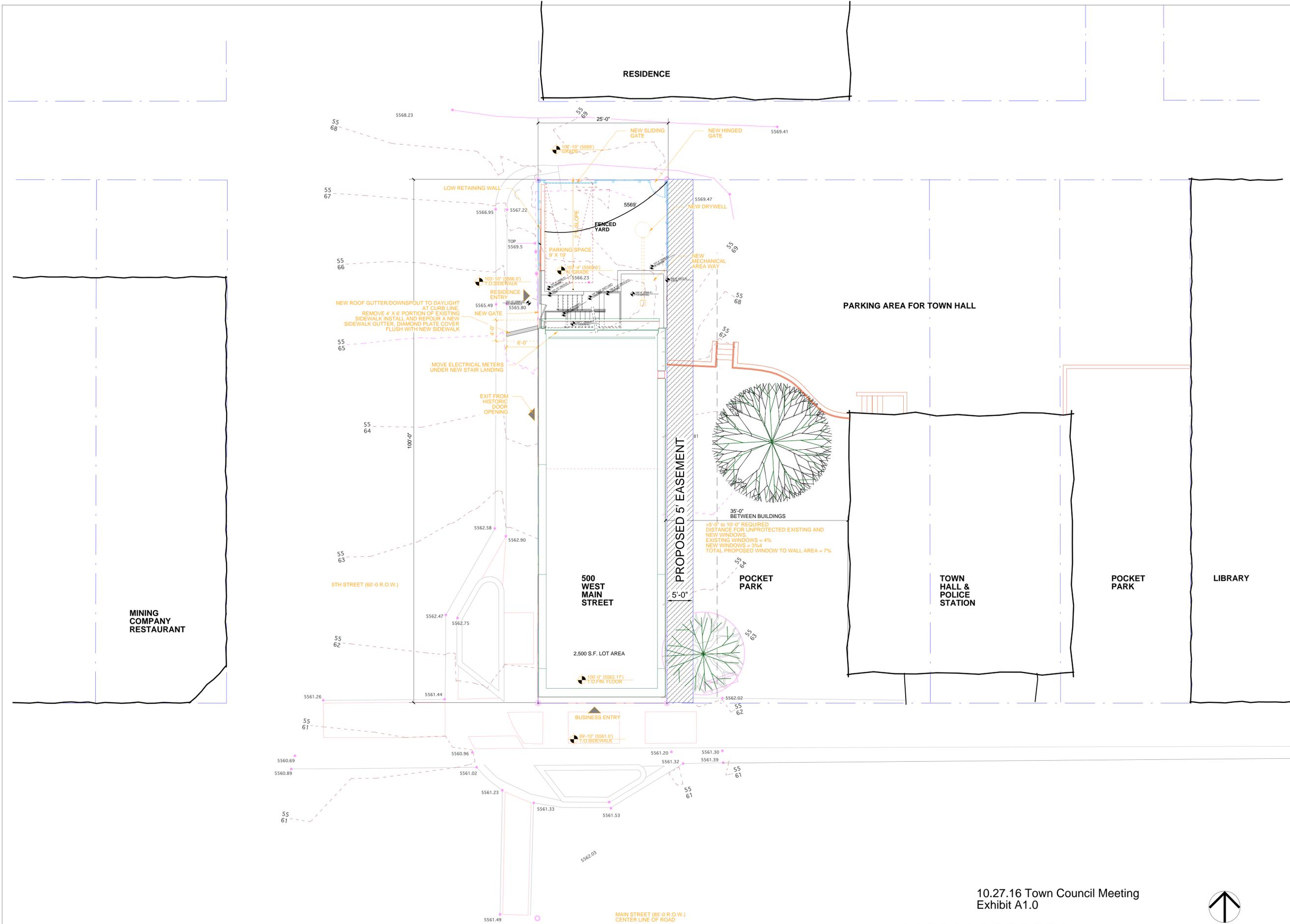
If the Town would establish a 5' easement along the property line with 500 W. Main Street, it would create an imaginary property line > 5' from the existing building. This could be interpreted as meeting the intent of the code by formally creating a distance between the existing building and a potential Town Hall expansion of > 5'.

Attachments:

Exhibit A1.0 Site Plan and Proposed Easement

Exhibit A2.2 First Floor Plan / Dental Office

Exhibit A3.3 Elevation and Window Percentage



Dr. Roper,
DDS

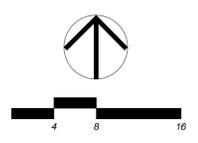
Proposed Renovation &
Addition to 500 West Main
Street
New Castle Colorado

Date	Issued For
5.26.16	SD Site Plan
9.30.16	PERMIT 1 - IEBC Level 1 & 2
10.17.16	HPC Meeting

Project No: 9999
Drawn By: AAA

10.27.16 Town Council Meeting
Exhibit A1.0

1 SITE PLAN
SCALE: 1/8" = 1'-0"



Site Plan

A 1.0

**EAST ELEVATION:
 LEGEND AND WINDOW AREA ANALYSIS**

EXISTING WINDOWS:
 18.4 X 3 = 55.2 S.F.
 11.6 X 1 = 11.6 S.F.

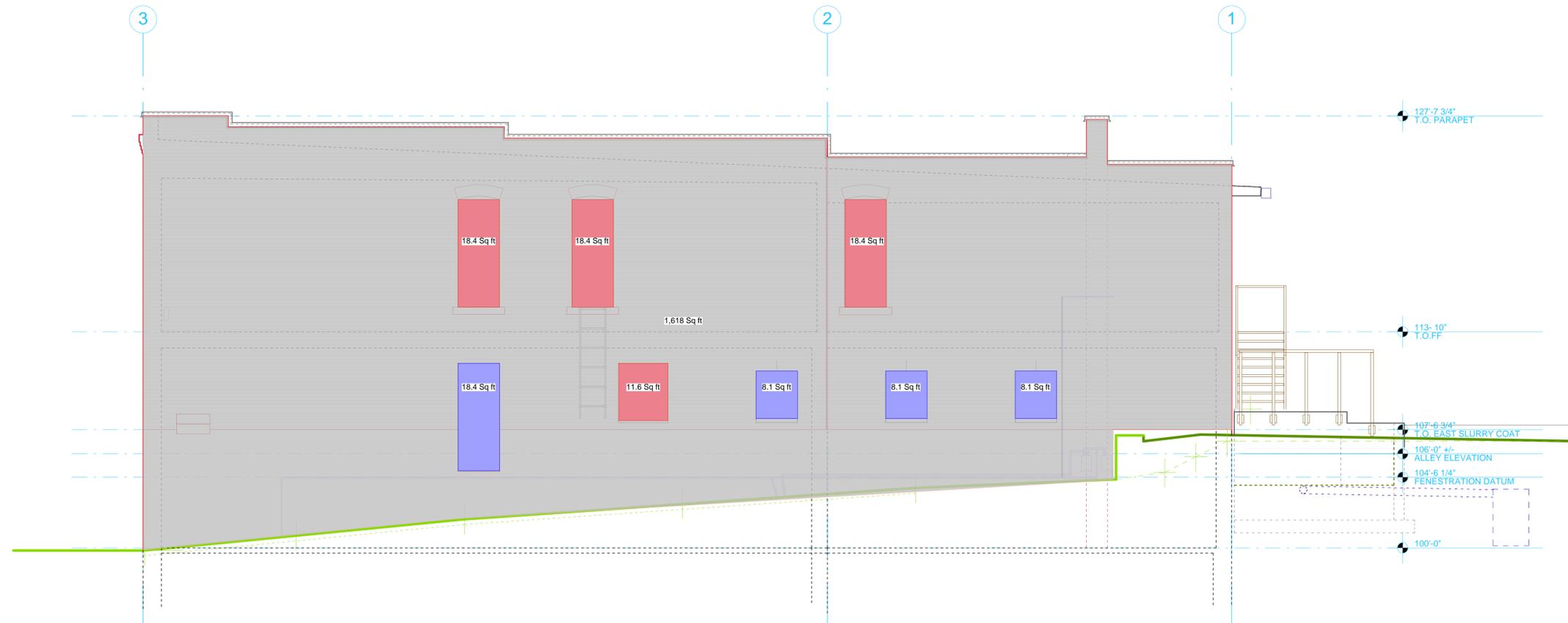
EXISTING WINDOW = 66.8 S.F. / 1,618 S.F. = 4% OPENINGS IN WALL

NEW WINDOWS:
 18.4 X 1 = 18.4 S.F.
 8.1 X 3 = 24.3 S.F.

NEW WINDOW = 42.7 S.F. / 1,618 S.F. = 3% OPENINGS IN WALL

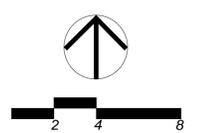
TOTAL WINDOW COUNT:
 18.5 s.f. x 4 = 74 s.f.
 8.1 s.f. x 3 = 24.3 s.f.
 11.6 s.f. x 1 = 11.6 s.f.

TOTAL WINDOW = 110 S.F. / 1,618 S.F. = 7% OPENINGS IN WALL



2 EAST ELEVATION
 SCALE: 1/4" = 1'-0"

10.27.16 Town Council Meeting
 Exhibit A3.3



**Dr. Roper,
 DDS**

Proposed Renovation &
 Addition to 500 West Main
 Street
 New Castle Colorado

Date	Issued For
6.3.16	SD Pricing Package
9.2.16	Brick and Mortar Maintenance
9.30.16	PERMIT 1 - IEBC Level 1 & 2

Project No: 1605
 Drawn By: bz

NEW Elevations