

CITY PLANNING COMMISSION AGENDA  
October 21, 2021

STAFF: ANN ODOM

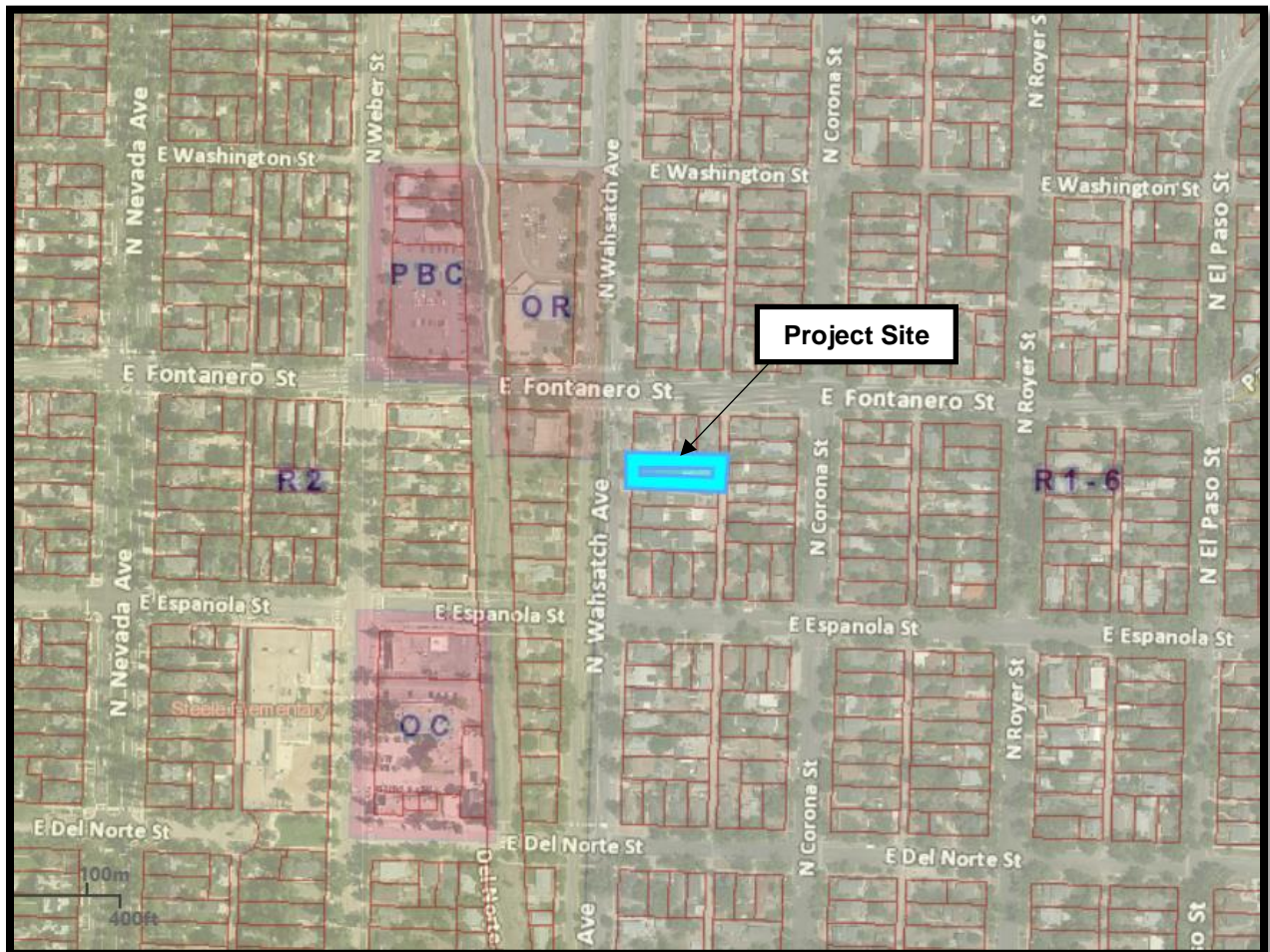
FILE NOS:

CPC CU 21-00078 – QUASI-JUDICIAL  
CPC NV 21-00079 – QUASI-JUDICIAL  
CPC NV 21-00145 – QUASI-JUDICIAL  
CPC NV 21-00146 – QUASI-JUDICIAL

PROJECT: 1823 NORTH WAHSATCH INTEGRATED ACCESSORY DWELLING UNIT

OWNER/DEVELOPER: IAN JOHNSON AND KRISTEN JOHNSON

CONSULTANT: ROBBY AUSTIN



## **PROJECT SUMMARY:**

1. Project Description: The project includes applications for a conditional use development plan and three nonuse variances for the property at 1823 North Wahsatch Avenue. The project is herein referred to as “1823 North Wahsatch Integrated Accessory Dwelling Unit”. The conditional use request would permit an integrated accessory dwelling unit in an R1-6000 (Single-Family Residential) zone district. The proposed nonuse variance applications would reduce both of the side setbacks and the front setbacks that are required per City Code Section 7.3.104(A). The reduced building setbacks will allow a second story addition above the existing home and garage that will accommodate expanded living space for the principal dwelling unit and the proposed integrated accessory dwelling unit.
2. Applicant’s Project Statement: (see **“Project Statement” attachment**)
3. Planning and Development Team’s Recommendation: City Planning staff recommends approval of the application as proposed.

## **BACKGROUND:**

1. Site Address: The property associated with this project is addressed as 1823 North Wahsatch Avenue.
2. Existing Zoning/Land Use: The property is zoned R1-6000 (Single-Family Residential) and is developed with a single-family residence.
3. Surrounding Zoning/Land Use:  
North: R1-6000 (Single-Family Residential) and is developed with a single-family residence  
East: R1-6000 (Single-Family Residential) and is developed with a single-family residence  
South: R1-6000 (Single-Family Residential) and is developed with a single-family residence  
West: R2 (Two-family Residential) and is developed with a single-family residence
4. PlanCOS Vision: According to the PlanCOS Vision Map (see **“PlanCOS Vision Map” attachment**), the project site is identified as an Established Traditional Neighborhood.
5. Annexation: The property was annexed into the City under the Town of Colorado Springs plat (September 1, 1872; ordinance unknown).
6. Master Plan/Designated Master Plan Land Use: The property is part of the Old North End Master Plan, which is an operative plan, and is in an area identified as low to medium, low density residential (3-8 dwelling units per acre).
7. Subdivision: The project property is platted as Lot 3 Block 16 of Corona Addition Colorado Springs.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The project site is developed with a single-family residence and detached garage and does not vary in grade.

## **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 298 property owners on three occasions: during the internal review and prior to the Planning Commission hearings (the item was postponed at the September hearing). The site was also posted during the three occasions noted above. Planning Staff received comments both in support and objection to the proposal. (see **“Public Comments” attachment**)

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities Development Services, Colorado Springs Fire, Stormwater Enterprise, Police, City Surveyor, Century Link, Colorado Springs Utilities Customer Contract Administration, Parks and Recreation, Enumerations, Floodplain, USPS. All comments received from the review agencies have been addressed. As an infill project within an established neighborhood, City Planning staff notes that the following review agency provided project specific comments:

- City Engineering – Requested that a standard note be added speaking to the repair and replacement of public infrastructure posing a safety hazard, damaged, exhibiting excessive deterioration or not meeting current City Engineering standards.

## **ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:**

### 1. Review Criteria / Design & Development Issues:

#### a. Application Summaries:

##### i. Conditional Use Development Plan

The Applicant's requested Conditional Use Development Plan for the 1823 North Wahsatch Integrated Accessory Dwelling Unit project proposes an integrated accessory dwelling unit on a site that is zoned R1-6000 (Single-Family Residential) (**see "Conditional Use Development Plan" attachment**). An integrated accessory dwelling unit is conditionally permitted accessory use in the R1-6000 (Single-Family Residential) zone district, pursuant to City Code Section 7.3.103 *Permitted, Conditional and Accessory Uses*.

The proposed integrated accessory dwelling unit is to be 936 square feet in relation to the principal unit which will be 2,303 square feet with a 924 square foot garage. The size of the integrated accessory dwelling unit will be 40% of the size of the principal unit which does not include the garage. The proposed two-story addition will provide a connection between the two units via a mud room on the first floor to provide a functional connection between the garage and the new stairway and kitchen area. On the second floor of the addition the applicant has provided a functional connection consisting of two back-to-back closets, both closets will be at least six (6) feet in width and seven (7) feet in height. The accessory unit will be accessed via a new second-story deck located in the rear of the addition. The design modifications necessary to accommodate the principal unit addition and accessory unit do not indicate the presence of the accessory dwelling unit from the front of the home. As such, the Applicant's proposed building treatment maintains the building's character as a single-family residence, which is in-keeping with the surrounding residentially developed neighborhood.

The parking requirements for the project include two (2) off-street parking spaces (one (1) for the existing single-family residence and one (1) for the proposed integrated accessory dwelling unit). The parking requirements are being met by the existence of the two-car garage already on site and additional off-street parking will also be provided on the driveway accessed off the alley behind the home.

When considering whether the proposed use should be permitted in the R1-6000 (Single-Family Residential) zone, City Planning staff evaluated the request in terms of the integrated accessory dwelling unit development standards set forth in City Code Section 7.3.105(M) as well as the three review criteria for granting a conditional use development plan, as set forth in City Code Section 7.5.704 *Authorization and Findings*:

- A. *Surrounding Neighborhood*: The surrounding neighborhood is comprised of various zone districts including R1-6000 (Single-Family Residential), R2 (Two-Family Residential) and OR (Office Residential). The project site is located on the western edge of the R1-6000 (Single-Family Residential) zone district and just east of R2 (Two-

Family Residential) zoning. The proposed integrated accessory dwelling unit will maintain the single-family character in an established neighborhood while accommodating an accessory residential use, which is consistent with the allowances granted in the immediate surrounding area. As such, the values and qualities are not substantially injured.

- B. *Intent of Zoning Code*: The proposed integrated accessory dwelling unit is considered an accessory to the principal use and will not change the zoning of the site. There will not be visual impact of the accessory dwelling unit being added from the street, as the Applicant has seamlessly incorporated the accessory unit into the additions proposed for the principal unit.
- C. *Comprehensive Plan*: The proposed integrated accessory dwelling unit will diversify the housing options in the established traditional neighborhood while preserving the single-family character of the property and surrounding neighborhood.

City Planning staff finds the application to be consistent with the purpose of a conditional use request, as set forth in City Code Section 7.5.601.

ii. Nonuse Variance #1

The Applicant's proposed Nonuse Variance for the 1823 North Wahsatch Integrated Accessory Dwelling Unit project (see "**Nonuse Variance Site Plan**" attachment) requests a 2.8-foot side setback (south side) where five (5) feet is required per City Code Section 7.3.104(A). The reduced side setback is necessary to accommodate a second-story addition above the existing detached garage that will house the proposed integrated accessory dwelling unit.

City Planning staff finds that the proposed nonuse variance request, as stipulated, is in conformance with the nonuse variance review criteria, as set forth in City Code Section 7.5.802(B) and 7.5.802.(E) for the following reasons:

- A. *Exceptional or Extraordinary Conditions*: The existing detached garage sits 2.8 feet from the south side property line. The proposed addition will add a second story that will maintain the existing setback from the property line and not encroach any further. The conditions of the surrounding area reflect various types of legally nonconforming structures built prior to the current zoning and building codes.
- B. *No Reasonable Use of Property*: The surrounding area, largely developed in the early 1900's, includes many examples of nonconforming structures on or near the property lines. Requiring the demolition and complete reconstruction of a structure to accommodate the additions would constitute less reasonable use and would result in a building out of character with the surrounding neighborhood.
- C. *No Adverse Impact to Surrounding Property*: The granting of this variance will not be detrimental to public, health, safety, or welfare of the community as the proposed addition will not encroach any further into the existing 2.8-foot side setback and the new addition will comply with all current Building Code requirements.

iii. Nonuse Variance #2

The Applicant's proposed Nonuse Variance for the 1823 North Wahsatch Integrated Accessory Dwelling Unit project (see "**Nonuse Variance Site Plan**" attachment) requests a 4.1-foot side setback (north side) where five (5) feet is required per City Code Section 7.3.104(A). The reduced side setback is necessary to accommodate a second-story addition above the existing home.

City Planning staff finds that the proposed nonuse variance request, as stipulated, is in conformance with the nonuse variance review criteria, as set forth in City Code Section 7.5.802(B) and 7.5.802.(E) for the following reasons:

- A. *Exceptional or Extraordinary Conditions*: The existing home sits 4.1 feet from the north side property line. The proposed addition will add a second story that will maintain the existing setback from the property line and not encroach any further. The conditions of the surrounding area reflect various types of legally nonconforming structures built prior to the current zoning and building codes.
- B. *No Reasonable Use of Property*: The surrounding area, largely developed in the early 1900's, includes many examples of nonconforming structures on or near the property lines. Requiring the demolition and complete reconstruction of a structure to accommodate the additions would constitute less reasonable use and would result in a building out of character with the surrounding neighborhood.
- C. *No Adverse Impact to Surrounding Property*: The granting of this variance will not be detrimental to public, health, safety, or welfare of the community as the proposed addition will not encroach any further into the existing 4.1-foot side setback and the new addition will comply with all current Building Code requirements.

iv. Nonuse Variance #3

The Applicant's proposed Nonuse Variance for the 1823 North Wahsatch Integrated Accessory Dwelling Unit project (**see "Nonuse Variance Site Plan" attachment**) requests a 15.5-foot front setback where twenty-five (25) feet is required per City Code Section 7.3.104(A). The reduced front setback is necessary to accommodate a second-story addition above the existing home.

City Planning staff finds that the proposed nonuse variance request, as stipulated, is in conformance with the nonuse variance review criteria, as set forth in City Code Section 7.5.802(B) and 7.5.802.(E) for the following reasons:

- A. *Exceptional or Extraordinary Conditions*: The existing home sits 15.5 feet from the front property line. The proposed addition will add a second story that will maintain the existing setback from the property line and not encroach any further. The conditions of the surrounding area reflect various types of legally nonconforming structures built prior to the current zoning and building codes.
- B. *No Reasonable Use of Property*: The surrounding area, largely developed in the early 1900's, includes many examples of nonconforming structures on or near the property lines. Requiring the demolition and complete reconstruction of a structure to accommodate the additions would constitute less reasonable use and would result in a building out of character with the surrounding neighborhood.
- C. *No Adverse Impact to Surrounding Property*: The granting of this variance will not be detrimental to public, health, safety, or welfare of the community as the proposed addition will not encroach any further into the existing 15.5-foot front setback and the new addition will comply with all current Building Code requirements.

2. Conformance with the City Comprehensive Plan:

The project applications have been evaluated for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site is identified as an Established Traditional Neighborhood. (**see "PlanCOS Vision Map" attachment**) In the context of these key elements, which capture the essence of the "Big Ideas" and goals set forth throughout PlanCOS, the project reinforces the positive change that can occur when infill and redevelopment is encouraged.

One of the big ideas in Chapter 2, Vibrant Neighborhoods, entitled "Housing for All", has Goal VN-2 that states:

*“Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs.”*

To do this, PlanCOS suggests “Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels”

One of the “Big Ideas” in Chapter 3, Unique Places, is entitled “Embrace Creative Infill, Adaptation and Land Use Change”, which has goal UP-2 that states:

*“Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.”*

To do this, PlanCOS suggests “Continue to implement infill supportive Code changes including provisions tailored for older developed areas.”

3. Conformance with the Area’s Master Plan:

The Old North End Master Plan was established in 1991 and designated the project site for low to medium, low-density residential land uses with a density range of 3-8 dwelling units per acre. The Old North End Master Plan has been deemed “Operative”, according to City Code Section 7.5.402(B)(1) *Operative Master Plan*. A determination of “Operative” occurs when the area covered by a master plan is less than 85% built out. Based on the surrounding area that is comprised of various uses including low to medium, low-density residential, mixed use and small neighborhood commercial, staff finds the project to be complimentary and supportive of the immediate area.

**STAFF RECOMMENDATION:**

**CPC CU 21-00078 – Conditional Use Development Plan**

Approve the conditional use development plan for an integrated accessory dwelling unit in an R1-6000 (Single-Family Residential) zone district located at 1823 North Wahsatch, based upon the findings that the request meets the review criteria for establishing a conditional use, as set forth in City Code Section 7.5.704 and the development plan review criteria, as set forth in City Code Section 7.5.502(E).

**CPC NV 21-00079 – Nonuse Variance**

Approve a non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 2.8-foot setback where 5-foot is required per City Code Section 7.3.104(A), based upon the findings that the request meets the nonuse variance review criteria as set forth in City Code Section 7.5.802(B) and 7.5.802.(E).

**CPC NV 21-00145 – Nonuse Variance**

Approve a non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 4.1-foot setback where 5-foot is required per City Code Section 7.3.104(A), based upon the findings that the request meets the nonuse variance review criteria as set forth in City Code Section 7.5.802(B) and 7.5.802.(E).

**CPC NV 21-00146 – Nonuse Variance**

Approve a non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 15.5-foot setback where 25-foot is required per City Code Section 7.3.104(A), based upon the findings that the request meets the nonuse variance review criteria as set forth in City Code Section 7.5.802(B) and 7.5.802.(E).