

CITY PLANNING COMMISSION AGENDA

STAFF: LONNA THELEN

FILE NO(S):
CPC UV 16-00151 – QUASI-JUDICIAL

PROJECT: 1536 CHEYENNE BOULEVARD

APPLICANT: BRON WRIGHT

OWNER: BRON WRIGHT



PROJECT SUMMARY:

1. Project Description: This project includes an application for a use variance to recognize two existing residences on a property in an R1-6 zone district. **(FIGURE 1)** The site is 10,323 square feet, zoned R1-6 HS (Single-Family Residential with a Hillside Overlay), and located at 1536 Cheyenne Boulevard. (See **FIGURE 2** for a site specific aerial.)
2. Applicant's Project Statement: **(FIGURE 3)**
3. Planning and Development Team's Recommendation: Approval of the application, subject to modifications.

BACKGROUND:

1. Site Address: 1536 Cheyenne Boulevard
2. Existing Zoning/Land Use: R1-6 HS/Single-Family Residential with an accessory dwelling unit (ADU)
3. Surrounding Zoning/Land Use: North: R1-6 HS/Single-Family Residential
South: R1-6 HS/Single-Family Residential
East: R1-6 HS/Single-Family Residential
West: R1-6 HS/Single-Family Residential
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Reannexation of the Southwest Annexation Area, 1980
6. Master Plan/Designated Master Plan Land Use: There is not a master plan for this site.
7. Subdivision: Stratton Park Addition
8. Zoning Enforcement Action: There are no current enforcement actions on this site.
9. Physical Characteristics: The site has a relatively steep grade from Cheyenne Boulevard to Highland Way.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of this application included posting of the site and sending of postcards on two separate occasions to 63 property owners within 500 feet. No public comments were received. The property owner presented a petition with the original submittal with 16 property owners signing in support of his project. **(FIGURE 4)**

Staff input is outlined in the following sections of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Police, Enumerations, Floodplain, Real Estate Services, Comcast, and E-911. This site is not within the Airport Overlay and was not seen by the Airport Advisory Committee and is outside of the buffer for review by USAFA.

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

1. Review Criteria / Design & Development Issues:

- a. Background

In 1929, two residences were built on the property; a large main residence (approximately 1,396 square feet) closest to Cheyenne Boulevard, and a smaller secondary residence (approximately 529 square feet) closest to Highland Way. At some point, the principal residence was illegally converted into a duplex. When the current owner purchased the property, he was under the impression that he purchased a property with three units. Because there was no legal conversion of the front unit into a duplex, the property with three units is considered illegal. The current owner does not intend to use the principal residence as a duplex.

Due to major structural issues, the principal residence had to be demolished. Last year, the owner demolished the residence and began building a new principal residence utilizing the same building footprint as the original. The elevations included in the use variance illustrate

the new principal residence adjacent to Cheyenne Boulevard. The secondary residence will remain. The legal-non conforming status on the property has been lost due to the complete reconstruction of the principal structure. The use variance is being requested because the owner would like to take a loan on the property for two legal units.

b. Use Variance:

The use variance criteria are listed below and justified for the application under review.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss; and

The extraordinary condition that exists for the property is that although the property is zoned R1-6, a single-family zoning, the property has had two units on it since 1929. The homes were both constructed with access to a street and separate utilities, making it clear that there has historically been two separate units on the property. Taking away the use of one of the structures would result in a property loss.

2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner; and also

The lot in question is 10,323 square feet in size. The lots in the neighborhood vary greatly in size, with the smallest lot on the block being 3,920 square feet. The property owner is asking to be allowed to preserve the property right of two units that were originally built in 1929. While the lot itself could not be subdivided into two lots in the current zone district, the lot is nearly three times larger than other lots in the neighborhood. Granting a use variance for this property is reasonable due to the large lot size and the original construction of two homes on the property. The variance would allow the property owner to preserve his property right of two units.

3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.

There were no public comments received during the review process for the site. The property owner submitted a petition with 16 neighboring property owner's signatures in support of his project. **(FIGURE 3)** In the use variance plan, the owner has limited any new construction or additions to the smaller rear unit to 750 square feet in total and no taller than 16 feet in height. This limitation follows in compliance with standard ADU allowances and limits the home to one story, matching its current height.

Staff finds that the applications associated with this project proposal have adequately addressed all of the issues raised by the internal review agencies and meet the review criteria as set forth in City Code.

4. Conformance with the City Comprehensive Plan:

The 2020 Comprehensive Plan calls out this area as "General Residential". The use of a single-family home and an ADU fits within the general residential classification. The comprehensive plan makes recommendations for infill projects and this project would be classified as infill. The project also works to continue to redevelop a neighborhood by removing an old dilapidated home and building a new home in an older neighborhood.

Objective LU 4: Encourage Infill and Redevelopment

Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Objective LU 5: Develop Cohesive Residential Area

Neighborhoods are the fundamental building block for developing and redeveloping residential areas of the city. Likewise, residential areas provide a structure for bringing together individual neighborhoods to support and benefit from schools, community activity centers, commercial centers, community parks, recreation centers, employment centers, open space networks, and the city's transportation system. Residential areas also form the basis for broader residential land use designations on the citywide land use map. Those designations distinguish general types of residential areas by their average densities, environmental features, diversity of housing types, and mix of uses. Residential areas of the city should be developed, redeveloped and revitalized as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services.

5. Conformance with the Area's Master Plan:
No master plan exists for this site.

STAFF RECOMMENDATION:

CPC UV 16-00151 – USE VARIANCE DEVELOPMENT PLAN

Approve the use variance for 1536 Cheyenne Boulevard, based upon the finding that the use variance complies with the review criteria in City Code Section 7.5.803.B and 7.5.502.E, subject to compliance with the following technical and/or informational plan modification:

Technical and Informational Modifications to the Concept Plan:

1. Include an asterisk after the use variance request statement and a note that states "A 528 sf ADU exists onsite, these conditions would apply if the structure was rebuilt or an addition added."