

**Serrano, Ana G**

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**From:** escovitz@mindspring.com  
**Sent:** Thursday, July 30, 2020 10:51 PM  
**To:** Serrano, Ana G; Sexton, Daniel  
**Cc:** Michael Anderson; Walter Sargent; Suzanne Schorsch; Rosanne Mason; Robert Loevy; Sandra@aol.com McNew  
**Subject:** Development Plan for 15 W. Del Norte, 8/3/20 HPB meeting File No. AR R 20-00516

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I'd appreciate you forwarding the following to the HP Board members in time for their review prior to the 8/3 meeting. Per Ms. Serrano's message, I understand that all of the comments submitted for the 7/6/20 hearing on essentially the same Plan have been forwarded to the Board Members so that they may include and review them for this 8/3 meeting.

**COMMENTS AND OBJECTIONS TO APPLICANT'S PROPOSED DEVELOPMENT PROJECT AT 15 W. DEL NORTE, FILE NO. AR R 20-00516-HPB.**

A. INTRODUCTION

My name is Sari Escovitz and together with my husband, William Escovitz, we have owned and resided in the property at 1705 Wood Ave. since 1986. Ours is a corner lot on the northeast corner of Del Norte and Wood. We face and are two houses down west of the subject property, 15 W. Del Norte. I am a retired attorney and my husband is a retired engineer. We raised our two sons on Del Norte and Wood and have enjoyed the family oriented neighborhood and rich, varied and historic environment of the Old North End. Over the past 34 years we have invested hundreds of thousands of dollars to renovate and restore 1705 Wood Ave. to its original condition. We landscaped and maintain our 1/4 acre lot to enhance and preserve the beautiful greenery that makes the Old North End so attractive and cooler in the summer than more dense and congested areas.

We are heavily invested in the Old North End and are unequivocally opposed to the proposed development of 15 W. Del Norte set forth by Applicant, File No. AR R 20-00516. That development plan is contrary to and violates the intent and express provisions of the Historic Overlay Ordinance and its related rules and regulations.

B. BACKGROUND OF 15 W. DEL NORTE

15 W. Del Norte was created by subdivision, decades ago, to provide a yard for the adjacent property to the west, 17 W. Del Norte. At only 3750 s.q f.t. it is uniquely and grossly undersized for residential lots in the Wood-Cascade subarea of the Historic Preservation Overlay.

Current owners of 17 W. Del Norte are out-of-town investor/landlords. Until the current owners of 17 W. Del Norte bought that property in 2016, it had always been a single-family, owner-occupied residence with a small carriage house over the garage. Current owners turned it into a non-owner occupied, multi-unit rental and STR. Before the current owners of 17 W. Del Norte, 15 W. Del Norte was always owned by the same people as 17 W. Del Norte. It was treated as part of that property and provided a play yard, a garden, a work area and extra parking for the owners of the residence at 17 W. Del Norte.

At the time the current owners purchased 17 W. Del Norte in 2016, they did not include the purchase of 15 W. Del Norte. They did ultimately make that purchase in 2019, paying \$50k to the preceding owners of 17 W. Del Norte. That is the assessor's value and is in line with other values assigned to lots in the Old North End. A few months later in 2020, the current owners of 17 W. Del Norte "sold" 15 W. Del Norte to that property's current owners for the declared and recorded price of \$150k, three times the amount paid just months earlier. The owners of 15 W. Del Norte are out-of-state residents. They will not explain why they paid three times the fair market price for 15 W. Del Norte. Records evidence a relationship between the current owners of 15 W. Del Norte and 17 W. Del Norte going back to 1998. This was not a good faith, arms length transaction. There are suspicions, backed by some available evidence in the public record, that the owners of 15 and 17 W. Del Norte plan to coordinate development of the two properties to maximize their investment returns with no concern for the neighborhood.

C. THE HISTORIC PRESERVATION BOARD LACKS JURISDICTION OVER APPLICANT'S REQUEST FOR A REPORT OF ACCEPTABILITY

1. Insufficient number of Board Members

The Historic Preservation Board ("HPB") is created by and derives its authority exclusively pursuant to statute. Part 16, Section 7.5.1601 of the Historic Preservation Overlay Ordinance in the Colorado Springs Code of Ordinances states that:

"C. Composition : The Board **shall** consist of seven(7) members."

Emphasis added. There is no provision for jurisdiction, or authority of the HPB to act if it has less than seven members. The current HPB has only four members. It does not have authority to act on Applicants' request. It did not have jurisdiction to do so at the 7/6 hearing; its grant of approval at that hearing is void ab initio.

2. HPB's failure to meet statutory prerequisites to review Application for Report of Acceptability

Part 16, Section 7.5.1605 B.2 of the Colorado Springs Code of Ordinances requires that the Application for Report of Acceptability under the Historic Preservation Ordinance for "Major Work" must first be reviewed and referred to the HPB by the "minor work committee." This is a legal

requirement. There is no review or referral by the minor work committee of Applicant's request for a report of acceptability. Lacking the prerequisite of a minor work committee referral, the HPB is barred from hearing and deciding Applicant's request.

(Other barriers to the HPB's jurisdiction may be submitted as appropriate.)

D. BAD FAITH, DEFECTIVE POSTED NOTICE, AND THE INCOMPLETE APPLICATION ALL REQUIRE THAT THE HPB DENY APPLICANT'S REQUEST FOR A REPORT OF ACCEPTABILITY

1. Defective Posted Notice

There have been problems with public notice postings for this project since the first notice for the July 7, 2020 HPB hearing. Problems have included false, misleading and omitted information and Applicant's positioning of the Posted Notice where the public could not access, see or read it. (Photos are available but are not submitted at this time due to technological restraints under pandemic conditions; they can be provided upon the Board's request and instructions.) The current Public Notice Posting, as required by the Planning Department, states that it is to be posted for the continuous period of July 24 through August 3, 2020. Owners and /or Applicant have deliberately interfered with this required period of uninterrupted public notice. During the posting period, we have seen the Notice placed where it was obscured by other signage, and cut down so that it is lying face down on the ground like a piece of garbage. As of today, Thurs., July 30, just six days from the beginning of the posting period, the Notice has been removed at least three times from its visible posting and placed in hidden, unreadable condition. ( I have secured it in a visible and readable position three times since July 24. Again, we have photos that we can submit at the Board's direction.)

2. Deficient and Misleading General Application Form ("GAF")

(Note: All comments are based on Applicant's submitted GAF referenced and provided by the Planning Department.)

Even if the HPB had jurisdiction to hear this matter, it should deny the GAF of 7/21/20 and reverse its prior Report of Acceptability for the following reasons:

a. Missing information

(1) No authorization from Owners for Applicant to represent them or make statements and submissions on their behalf

The "Property Owner" is shown as "Adam & Ashley Ackerman." The Applicant is "Lindsey Tysland" who is someone "other than the owner." GAF, Submittal Requirements, Complete General Development Application Form, p.2. There is no "authorization from the property owner specifying the extent to which representation is allowed" as required by the GAF. Id. There is no authorization for Ms. Tysland to make written submissions or

statements on behalf of the property owners. All such unauthorized submissions and statements must be rejected by the HPB and stricken from the record.

(2) Incomplete Site Plans

Applicant does not provide the required "General location of structures on adjacent properties" as required by the GAF. "Site Plans" p. 2. By omission, Applicant denies the HPB opportunity to consider how badly the proposed plan affects the neighboring properties and how it conflicts with the spatial and architectural characteristics of the Cascade Ave.-Wood Ave. subarea of the Historic Preservation Overlay.

(3) No parking formula information as required by the GAF: Site Plans

(4) No name, address and phone number of the Applicant, Lindsey Tysland," as require by the GAF: Site Plans.

(5) No landscaping shown. No room for "traditional landscaping (that) will enhance the beauty of the street" as Appellant asserts. If constructed, the improvement will jut out towards the front sidewalk on Del Norte and break the pleasing visual and historically correct uniform line of front porches.

(6) No "Material" information for windows.

(7) No identification of material to be used for decorative features of proposed ersatz "Tudor Revival" construction.

(8) Seven out of the ten specified "Materials" in Applicant's original GAF are qualified by "or similar." This makes Applicant's representations of materials meaningless. This phrase, "or similar" negates the HPB's ability to review and determine if final materials actually used in construction will meet Design Standards.

(9 )For Tudor Revival, "a half-timbered appearance is obtained by applied decorative features...the boards (timbers) are commonly made of uPVC faux wood, plastic or fibre reinforced cement siding..." Wikipedia. Since Applicant has omitted a description of what material will be used, the HPB cannot determine if the plans conform to Historic Preservation Design Standards in this respect. The Board should also note that Applicant misidentifies the style of the proposed structure. As the plans show, this is not a "half-timbered" Tudor Revival. The only "timber" discernable on any plan submitted is tiny decoration above some windows.

b. Misrepresentations and Misleading Information

Applicant's self-serving statements describing this project have no basis in fact and cannot support a Report of Acceptability. The GAF shows that this is a big stucco structure of no particular style or character which

will stick out like a sore thumb on this tiny lot. The fact is that all setback zoning requirements must be abrogated and statutory Design Standards for the Historic Preservation Overlay ignored for this plan to be approved.

The proposed plan is **not** historical Tudor Revival architecture. Applicant's repeated assertions cannot make it so. This proposed plan has no identifiable style and certainly no place in the Old North End under the North End Historic Preservation Overlay Zone Design Standards. As set forth in Section D.2(a)(9) of this Comment, above, the proposed plan is not "half-timbered." Applicant's comparison of the proposed plan to the "stucco Tudor Revival home across the street from our lot" (GAF, p.3) is, in kindest terms, misleading. The property across the street from 15 W. Del Norte is 1701 N. Cascade. It is an acre estate facing Cascade Ave. with a centrally located mansion that is hidden from Del Norte by a vined brick and metal fence that rises 8-10 feet above pavement level. Moreover, this Tudor Revival is extensively timbered and has major sections of stonework and brick construction. At most, the grand residence at 1701 N. Cascade shows only one third of its exterior as stucco. The property is extensively landscaped and the mansion is set back so far from Del Norte that looking east and west along Del Norte from pavement level, it is not visible. Using the estate at 1701 N. Cascade Ave. to justify Applicant's proposed construction on the tiny 15 W. Del Norte lot illustrates how little Applicant and Owner care or know about the Old North End and the requirements of the Historic Preservation Overlay.

E. APPLICANT'S DEVELOPMENT PLAN VIOLATES THE NORTH END HISTORIC PRESERVATION OVERLAY ZONE DESIGN STANDARDS

(Note: Please review the comments submitted for the 7/6/20 HPB meeting regarding 15 W. Del Norte, and in particular, those of Prof. Robert Loevy)

By statute, the HPB must apply the North End Historic Preservation Overlay Zone Design Standards as the criteria for reviewing Applicant's request for a report of acceptability. Colorado Springs Code of Ordinances, Chapter 16, Section 7.5.1602. The following are relevant provisions of the Design Standards:

1. "Traditional designs, practice and material should be used for ...new construction." Applicant fails to meet this Design Standard. The proposed stucco construction meets none of the traditional design, practice or material criteria.

2. "Construction of new buildings should be compatible in terms of materials, detailing and design with the surrounding buildings...." Applicant clearly fails this Standard. All of the houses facing on to Del Norte between Cascade and Wood are of wood construction, with conforming front setbacks, porches and landscaped lots that are more than two or three times the size of 15 W. Del Norte. There are no stucco houses facing Del Norte between Cascade and Wood.

3. "Preserving vacant lots which historically have been linked by ownership and landscaping to the adjacent house and lot is strongly preferred...." The transfer of title to the lot known as 15 W. Del Norte by the owners of the "adjacent house" at 17 W. Del Norte is suspicious. The fact that current owners of 15 W. Del Norte have let the lot go to weeds and have done no landscaping or maintenance to their disdain for neighbors and neighborhood. (Pictures available upon request.)

4. "(N)ew structures ...shall be subject to these standards in keeping with the size and style of the architecture of neighboring structures." They must be similar "in use, scale character and setting...." Applicant's proposal does not conform in any way with neighboring styles of architecture or scales and proportion of land to improvement. As discussed above, the stucco structure belongs to no "style of architecture." Its ratio of improvement to land is an outrageous violation of Design Standards and City zoning requirements.

5. As described above, the proposed development plan does not "(m)aintain the visual integrity of the North End Historic District." Design Standards A. Areawide Standard 2. Applicant proposes unprecedented development of a "McMansion" on an uniquely undersized lot. The proposal attacks the fundamental character and future of the Old North End. (See Old North End Design Standards and Interpretive Guide.) If this project goes through it is precedent for a developer buying a standard Old North End lot and subdividing it to build and sell two more "McMansions."

6. Design Standards, District Standard B. 2. says that "(f)or roofing materials, metal, clay tile, wood and certain types of asphalt shingles are appropriate. Applicant's proposal is for "Composite slate roof." This is not an "appropriate" historic preservation material under the Design Standards.

7. New construction should "(m)aintain the horizontal alignment patterns created by the repetition of common building elements including front gabled roofs, front corner windows and first floor porch roofs." Design Standards, B. District Standards 6. New construction should "(m)aintain the important components of historic porch construction...." Design Standard B. District Standards 13. This emphasizes the importance of architectural features lacking in Applicant's proposal and particularly the plan's conflict with the front porch focused architecture of the Old North End.

8. Compatibility of "size, scale and appearance" of the new construction with its surroundings is a Design Standard that Applicant cannot meet with its proposal for a stucco 3,000 plus sq.ft. house on a 3750 sq.ft. lot, with no porch, no historic architectural features, no landscaping. Design Standard, B. District Standards 15. It is completely incompatible with the surrounding properties on either side of Del Norte.

F. SAFETY ISSUES

Neighbors oppose this Application for Report of Acceptability for many reasons. At least one, to date, Suzanne Schorsh, has submitted a comment as to the potential danger of the front door and facade proximity to the public right of way. Del Norte is a heavily used street. Pedestrians and vehicles access it to get to Monument Valley Park. It is part of the route neighborhood children take to get to school. They walk, ride bikes and skateboards over the pavement in front of 17 W. Del Norte and 15 W. Del Norte. In between these two lots is a narrow public alley going north-south across Del Norte. It has a significant amount of traffic from vehicles heading north-south that want to avoid the stop lights on Cascade. Of course, it has the traffic from multiple garages that use the alley as their only access. 17 W. Del Norte is a tall, three story structure abutting the west side of the alley. If 15 W. Del Norte is developed as proposed, it will create a canyon effect and limit sight lines for traffic emptying from the alley onto Del Norte. This is a serious potential hazard for pedestrians and vehicles on Del Norte. It can be avoided by a development plan for 15 W. Del Norte that brings the improvement down to scale and compatibility with the lot size, setbacks, and neighboring properties on Del Norte. Applicant's proposal is not that plan.

Respectfully submitted:

Sari S. Escovitz  
1705 Wood Ave.  
Colorado Springs, CO 80907

## Serrano, Ana G

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**From:** Dan Schrag <danpschrag@gmail.com>  
**Sent:** Friday, July 24, 2020 10:36 AM  
**To:** Serrano, Ana G  
**Subject:** 15 West Del Norte St., File Number AR R 20-00156-HPB

**CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!**

Dear Gaby,

We have previously corresponded by phone and email regarding the development proposal for 15 West Del Norte. My previous comments were favorable regarding the appearance of the proposed house and provision for off street parking.

I have again reviewed the plans for the house and have noted there is what appears to be a private entrance to the basement from the rear of the property. This concerns me because a private entrance to the basement could be used to facilitate a rental apartment in the basement or perhaps an Airbnb. In either case it would not be in keeping with the stated purpose of the prospective owners of a single family, owner occupied dwelling. This further concerns me because the adjacent house at 17 West Del Norte (our direct neighbor) is currently being used as a rental by two different parties in addition to an Airbnb offering on the premises. It has become painfully clear to us that tenants and transient users of the property do not have the same respect and concern for the neighborhood that owners have. We do not want to exacerbate problems of this nature by even the possibility that the same situation may evolve at 15 West Del Norte. Therefore we are OPPOSED to the development proposal as currently shown.

Respectfully,

Dan and Oma Schrag  
23 West Del Norte



## Serrano, Ana G

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**From:** Fawn Bell <fawnbell@gmail.com>  
**Sent:** Thursday, July 30, 2020 10:45 AM  
**To:** Serrano, Ana G  
**Subject:** Comment for 15 W. Del Norte

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Ms. Serrano, This is an additional comment for the hearing on August 3, 2020. I have provided my concerns in a previous comment to you several weeks ago and hope that you will submit that comment, as well. I am not as concerned about specific, architectural details as I am about the project itself.

The primary concern is that as every variance request gets approval then the protective codes will become meaningless and the City's default will be to allow density and noncompliance in the neighborhood despite our zone designation of single family units for the majority of properties. Each new applicant will be able to point to another approved variance in order to argue his/her case.

This scenario will be attractive to investors who want to build and rent out so it will in essence become more a neighborhood of commercial properties. We already have a high percentage of multi-dwelling unit properties on Cascade and Nevada and throughout the neighborhood that are grandfathered in as higher- density, rental units. We ARE already doing our share of providing "affordable" housing units in the neighborhood.

Our neighbors on Del Norte next to this lot in question (the same neighbor who sold the lot) moved away and rented out their house (divided it into 3 units in my understanding!). The people are loud and using foul language until 11:30 or midnight many nights of the week. They held a huge party for several days and nights over Fourth of July with people from out of town who were personally rude to us neighbors. These behaviors are robbing the long time residents of the neighborhood of peace and quiet and creating a lot of tension for the immediate, nearby neighbors. Rental units are simply harder to supervise and the owner seems powerless to control the situation he has created.

Fawn Bell  
1619 Wood Avenue  
Fawn

**WALTER H. SARGENT**  
1632 NORTH CASCADE AVENUE  
COLORADO SPRINGS, COLORADO 80907

TELEPHONE: (719) 229-4343  
wsargent@wsargent.com

WALTER HARRIMAN SARGENT II

July 26, 2020

Ana (Gaby) Serrano  
City Planner  
Planning & Community Development Department  
Land Use Review Division  
City of Colorado Springs, Colorado  
Email: [Ana.Serrano@coloradosprings.gov](mailto:Ana.Serrano@coloradosprings.gov)  
Tel: (719) 385-5089

**Re: Dev. Proposal 15 W. Del Norte St.**  
**File Numbers AR NV 20-00410 to -00415**  
**AR R 20-00418-HPB**  
**AR R 20-00516-HPB**

Dear Ms. Serrano,

I am writing in response to the various notices and requests for public comment regarding a proposed project for the building of a new single-family residence on a previously undeveloped lot at the address of 15 W. Del Norte Street, in the historic Old North End of Colorado Springs. Among other things, the applicants seek nonuse variances from the City's minimum zoning requirements for side, front, and rear yard setbacks; percentage of the lot covered by the building; the width of the lot; and the size of the lot. The applicants also seek the Historical Preservation Board's approval of a wide range of design choices that, according to the board of directors of the Old North End Neighborhood (ONEN), violate numerous standards and guidelines contained or incorporated in the City's historic preservation ordinance and overlay zoning.

My interest in this proposed development is substantial: For more than twenty-five years, I have been the sole owner of 1632 N. Cascade Avenue, which sits immediately east of the proposed development, and which would probably be the property most greatly affected and burdened by the proposed development. I have reviewed the submissions filed online at [www.coloradosprings.gov/LDRS](http://www.coloradosprings.gov/LDRS). I have

the following observations and concerns that I would like to have addressed. Although a number of these comments have previously been raised in my earlier submission on July 6, 2020, those comments were necessarily limited by lack of proper notice of the scope and size of the development project. I believe that these comments will provide important legal context and factual details.

## **I. Inadequacy of Public Notice and Opportunity for Comment.**

First, as discussed at and in connection with the Historical Preservation Board's meeting of July 6, 202, public notice and opportunity for public comment regarding this proposed development project has been undermined by false, misleading, constantly changing, and inadequate notices to the public about the nature and scope of the project and the procedures for filing comments and objections regarding the project. As has been previously documented, the first written and mailed notification, as well as a notification posted on the subject lot itself, falsely described the project as a "proposal for a 1291 sq. ft. single family detached residence and covered deck." The plans actually submitted to the city, however, showed a residence of 3032 sq. ft., including a basement, main floor, and second floor, along with a steeply gabled third-story attic of unspecified size with a roof rising over thirty feet above the ground and a 33-foot tall chimney, as well as a "covered deck" and a garage. I am still not sure why there was such an apparent discrepancy between the notice to nearby property owners and the actual plans that were filed with the city, and I remain concerned that the seemingly inaccurate or inadequate notice failed, and continues to fail, basic notice requirements for due process. On July 6, 2020, the Historic Preservation Board chose to go forward with its discussion and vote on the development's design features, but the failure to provide proper notice leading up to the July 6 hearing remains an issue in ONEN's appeal of the Board's decision.

Second, following the Board's decision to approve design aspects of the proposed development, a written postcard notification was sent to some neighbors, indicating that an administrative decision had not yet been made on the applicants' requests for nonuse variances, and requesting any additional written comments to be submitted by July 20, 2020. However, following ONEN's filing of an appeal from the Board's decision of July 6, 2020, the due date for written comments on nonuse variances was orally extended, and the applicants were ordered to post a public notice that written comments were now due July 24, 2020. The applicants did not comply with this requirement, however. Instead, the applicants placed the poster somewhere near the middle of the subject lot, behind a fence, trees, shrubs, weeds, and tall grasses, where no member of the public could reasonably be expected to see – much less read – the information contained on the poster without

trespassing on the grounds of the subject lot. (I can provide photographs substantiating all of the assertions made here.) Eventually, on July 22, 2020, some days after a neighbor's complaint triggered an order to move the poster to a proper place to provide public notice, the applicants did so, but only after filing amendments to their earlier submissions. By July 25, 2020, the applicants' untimely public notice was torn down, and a new notice (confirmed with a postcard notice to neighbors) was posted, indicating that written comments are now due by August 3, 2020, where the Historic Preservation Board will reconvene to review the applicants' amended plans. At this point, then, I am assuming that all written comments submitted by August 3, 2020, will be appropriately considered by the Board and any administrative employees prior to taking any actions on historical preservation issues or nonuse variances.

## **II. Unsubstantiated Requests for Nonuse Variances.**

Before any decisions are made on the applicants' requests for nonuse variances, it is essential to consider how extraordinary the requests are, and how completely the applicants have failed to meet the City's well-established criteria for such variances.

City Code Section 7.5.802.B. sets out the requirements that must be met in order for any nonuse variance to be granted:

B. Criteria For Granting: The following criteria **must** be met in order for any nonuse variance to be granted:

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; **and**
2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; **and**
3. That the granting of the variance will not have an adverse impact upon surrounding properties.

City Code Section 7.5.802.B (emphasis added).

The Code further provides the following guideline for the factfinder to determine whether the criteria have been met:

1. Extraordinary Or Exceptional Physical Conditions:
  - a. The physical conditions of the property shall not be conditions general to the neighborhood or surrounding properties.
  - b. The unique physical conditions of the property may be its size, shape, location, topography, soils; or
  - c. The unique physical conditions of the property may be the size or location of existing structures on the property if such structures are not self-imposed conditions; or

d. The unique physical conditions may be certain on site or off site environmental features which may positively or negatively affect the property in question, including, but not limited to, adjacent land uses, traffic, noise, views and location of significant natural, architectural or historic features.

2. No Reasonable Use:

a. The demonstrated extraordinary or exceptional physical conditions of the property must directly relate to the inability to reasonably use the property in conformance with the applicable zoning ordinance regulations.

b. The concept of less reasonable use may be considered if a neighborhood standard exists and if it is demonstrated that the property in question has a less reasonable use by comparison with proximate and similar properties in the same zoning district.

c. The purchase price of the property, the desire for greater economic return on investment or mere inconvenience do not constitute, by themselves, evidence of no reasonable use.

d. Self-imposed conditions such as prior voluntary rezoning, platting, or building in violation of City codes and ordinances do not constitute evidence of no reasonable use.

e. Knowledge, or lack of knowledge, of zoning restrictions and physical site constraints at the time the property is purchased is immaterial to evidence of no reasonable use of the property.

3. No Adverse Impact:

a. The granting of a variance shall not be detrimental to public health, safety and welfare or injurious to surrounding properties.

b. The granting of a variance shall not be inconsistent with any plans adopted by the City.

c. The granting of a variance shall not weaken the general purpose of this Zoning Code or its regulations.

d. The variance, if granted, shall only be to the extent necessary to afford a reasonable use of property.

### City Code Section 7.5.802.E.

These standards are not unknown to the applicants and their representative. They are, in fact, printed on the application that was filled out and filed with the City.

In this case, the applicants are seeking variances in virtually every aspect of the development. First, the applicants acknowledge that the Code requires a minimum lot requirement of 9,000 sq. ft. for a house of this size, but they are seeking a variance for a lot size of just 3,750 sq. ft. – a reduction of over 58%, to a lot size that is less than 42% of the required minimum. Second, the applicants acknowledge a minimum required lot width of 75 feet, but seek a reduction of 33% (to 50 feet) below the minimum required lot width. Third, the applicants seek substantial reductions in setback requirements on all sides (including a front yard setback reduction from 25 feet to 18 feet, a rear yard reduction from 30 feet to 10 feet, and side setback reductions to no more than eight feet). And finally, the applicants acknowledge a required maximum of 25% coverage of the lot, but seek an increase in lot coverage of almost 50%, from 25% to 37%.

As far as I have seen, none of these requested variances are supported by any justifications or citations to “extraordinary or exceptional conditions of the property” or the absence of any other reasonable uses of the property. Rather, the application appears to assume that it is enough that the new lot owners want to build a rather large residential building or complex on a small, previously undeveloped lot in the middle of this historical area. As the City Code states, a variance, if granted, shall only be to the extent necessary to afford a reasonable use of property, not to the extent necessary to satisfy the applicants’ desires for a particular standard of housing. Moreover, if the new lot owners did, indeed, purchase the lot for three times the market price that their putative friends purchased it for in an arms-length transaction a few months earlier, with no improvements and no assurances that the new lot owners would be able to obtain waivers of a vast array of community building standards and zoning requirements, that is a matter for those parties to that transaction, and not for the City, which specifically states in City Code Section 7.5.802.E that the applicants’ purchase price, desired return on investment, inconvenience, or ignorance of the zoning restrictions and physical site constraints are immaterial to whether there is another “reasonable use” of the property. Offhand, I recall some reasonable uses of this property over the years -- one or two beehives, a workbench for a handyman’s woodworking projects, space for one or perhaps two vehicles – which – perhaps like a nice garden, ornamental setting, or peaceful meeting place – seemed quite consistent with the kinds of activities that seemed to have been contemplated for that little plot of land.

Finally, the application repeatedly asserts that the variances will have no adverse impact on surrounding property. In this regard, I do wish to note that, ever since 1995, when I purchased the one-story bungalow at 1632 N. Cascade Ave., I have had sunlight and views on the west side of my property unencumbered by structures on the subject lot. It appears to me that the proposed building, rising thirty feet high, with reduced setbacks from property lines and one or more buildings covering a very large portion of the subject lot, would substantially end that. If such structures had been reasonably contemplated as permissible within City and neighborhood requirements and guidelines, perhaps I would have little reason to complain. But I am unaware of any history that supports the proposed development. As recently as last year, this lot was sold for \$50,000, in line with the City’s own assessment of the market value of this relatively open space in a very pleasant location that could not, without violating City and neighborhood requirements and guidelines, serve as the foundation for a large structure jammed onto a tiny plot. The latest machinations regarding this lot do not seem consistent with the history of this part of the City.

### **III. Inconsistencies with the ONEN Overlay and Zoning.**

Although I am aware of many objections regarding the conflict between the proposed development and the requirements and guidelines of the ONEN overlay and zoning, I do not believe that I am currently in a position to speak intelligently about those issues. I expect to have more to say after I have consulted with the experts in this area.

Walter H. Sargent  
1632 N. Cascade Ave.  
(719) 229-4343

## Serrano, Ana G

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**From:** Rosanne Mason <rosannepmason@gmail.com>  
**Sent:** Friday, July 24, 2020 8:51 AM  
**To:** Serrano, Ana G  
**Subject:** Re: Objection to 15 W Del Norte building project reference number AR R 20-00516-HPB

**CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!**

Thank you, my address is 1629 Wood Avenue.

Rosanne Mason

On Fri, Jul 24, 2020 at 8:43 AM Serrano, Ana G <[Ana.Serrano@coloradosprings.gov](mailto:Ana.Serrano@coloradosprings.gov)> wrote:

Hello Ms. Mason,

Thank you for your comment. I will be including this email in the board's packet.

Thanks,

**Gaby Serrano**

*Planner II*

**Land Use Review Division**

**Planning & Community Dev.**

**City of Colorado Springs**

[30 South Nevada Ave, Suite 701](#)

[Colorado Springs, CO 80901](#)

**Phone:** (719) 385-5089

**Email:** [ana.serrano@coloradosprings.gov](mailto:ana.serrano@coloradosprings.gov)





*Please note that, due to the dynamic pandemic situation, Planning is working remotely and suspending in-person meetings until further notice. Staff will conduct meetings via telephone or video conference in lieu of meeting face-to-face, and exhibits and documents may be shared via e-mail or Dropbox.*

*Thank you for your understanding.*

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**From:** Rosanne Mason <[rosannepmason@gmail.com](mailto:rosannepmason@gmail.com)>  
**Sent:** Friday, July 24, 2020 8:24 AM  
**To:** Serrano, Ana G <[Ana.Serrano@coloradosprings.gov](mailto:Ana.Serrano@coloradosprings.gov)>  
**Subject:** Objection to 15 W Del Norte building project reference number AR R 20-00516-HPB

**CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!**

To Gaby Serrano:

I have already submitted my objection to the building project proposal for [15 W Del Norte Street](#) but was informed that a new reference number was issued to this building project, and so I am re-submitting my objection to the plans for 15 W Del Norte under the new reference number AR R 20-00516-HPB.

As context for my concerns about 15 W Del Norte, I would like to note for you my experience with the property development at 17 W Del Norte. Over the past year or so, I have become deeply concerned by the property owners of 17 W Del Norte. These owners have developed their original single family residence into a multi-renter income investment property that does not feel in keeping with the friendly and family-oriented culture of our neighborhood. The current renters at 17 W Del Norte have subjected the neighborhood to raucous parties imbued with rude shouting, profanity and substance abuse. I am a widow with two young children, and I feel that my family's sense of safety and neighborly good faith with 17 W Del Norte has been disturbed.

And so, regarding 15 W Del Norte, it is my understanding that the property owners at 17 and [15 W Del Norte Street](#) do know each other, and the plans submitted for the 15 W Del Norte residence do include an exterior door that appears to be a separate entrance for what may become a rental unit of some kind. Given that the owners may know each other and seem to be developing properties that are not truly in keeping with the atmosphere of single family residences, I have every reason to believe that 15 W Del Norte may not be acting in good faith within our neighborhood. Perhaps this is of no concern to the City of Colorado Springs, but I do feel that the Historic Preservation Board should bear some responsibility in distinguishing between the stated intention of property owners and the true intention of property owners. If the property owners of [15 W Del Norte](#) truly intend to develop another unwanted income property at that location, then would the Historic Preservation Board want to condone such a development? If our neighborhood and my block continues to shift toward rental units and nuisance behavior, then I and my family will no longer want to live here and my ability to sell my home will be undermined. This circumstance feels quite dishonest and unfair.

Thank you,

Rosanne Mason

## Serrano, Ana G

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**From:** Sandra Mcnew <sandramcnew@aol.com>  
**Sent:** Thursday, July 30, 2020 8:31 AM  
**To:** Serrano, Ana G  
**Subject:** Against Development Plan for 15 W. Del Norte, File No. AR R 20-00513-HPB.

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Dear Ms. Serrano,

Please add this to the file against the proposed "Development Plan for 15 W. Del Norte, File No. AR R 20-00513-HPB."

This is a huge house for a very small lot, out of character for the Old North End, and generally objectionable. If it is built it will cause conflict with neighbors.

Due to the height there will be very little sunlight for the adjacent lot(s), and due to the overall size or footprint there will be no landscaping buffer possible against noise pollution for neighbors. In other words, it will be very intrusive and even invasive.

The setbacks and other proposed variances do not conform aesthetically to historic preservation guidelines, and thus they are not in keeping with the character of the neighborhood -- a neighborhood which I love and in which I live.

Thank you for your consideration. Please reject this proposal.

Sincerely,  
Sandra McNew  
21 West Espanola St.

## Serrano, Ana G

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**From:** escovitz@mindspring.com  
**Sent:** Wednesday, July 1, 2020 7:14 PM  
**To:** Serrano, Ana G  
**Subject:** Dev. Proposal 15 W. Del Norte St. 7/6/2020 Hist. Pre. Bd. meeting AR NV 20-00410-5 and

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Ms. Serrano,

First and foremost, your notice to neighbors is critically inaccurate. The proposed plan is not for the 1291 S.F. house with covered deck the notice describes. (That sounds like a more appropriately sized structure for the lot size.) The plan is for a 2 and 1/2 story, 3032 SF house (no covered deck) on a 3750 SF lot. Why the discrepancies? Why the misleading notice? Doesn't this invalidate the "notice" and the prerequisites for the 7/6 hearing? Please bring this matter to the attention of the HPB and its legal counsel. I would appreciate knowing their responses.

Applicant's plan is for a nice, tall and large house on a very small, non-conforming lot. This plan requires large setback variances on all sides and a variance for 50% more lot coverage than permitted. It is incompatible with the other front setbacks on Del Norte between Wood and Cascade. There is a covered front door entry way, but no "porch" as that design element presents on all the other houses facing Del Norte between Wood and Cascade. Applicant's plan does not include a "porch" as described in North End Historic Preservation Overlay Design Standards, Sec.B,para.13.

Applicant submits that the house at 2120 North Cascade Ave is "similar" to the proposed plan; it is not. 2120 N. Cascade is a 1 and 1/2 story 1634 SF house on a 9500 SF lot. It maintains the low density, improvement to lot size ratio that characterizes and distinguishes the Old North End. 2120 N. Cascade has a real porch (as defined above) at the front of the house, as well as the covered front door entranceway. Its setback on Cascade is visually uniform with its neighbors'.

Applicant's lot size is unique among the properties in the North End Historic Preservation overlay area and the Wood-Cascade subarea. It results from a subdivision years ago that was intended to provide previous residents of 17 W. Del Norte with an unimproved recreation/yard area. Current owners of 17 W. Del Norte are non-resident owners who have turned their property into a multi-tenant rental and Air BnB. These current owners of 17 W. Del Norte purchased the subject vacant lot,15 W. Del Norte, for \$50k in 2019 and then sold it to Applicant a few months later for \$150k!?.

If Applicant's current proposal for 15 W. Del Norte is approved, it will be precedent for other developers. Properties with large lots will be bought, subdivided and developed for maximum density and profit. North End Historic Preservation Overlay Zone Design Standards and the Ordinance become meaningless. So too zoning setback and density restrictions. The Old North End will lose its special historical characteristic and preservation protections.

Thank you for your attention to this matter. I look forward to your response.

Sari Escovitz (Owner)  
1705 Wood Ave (NE Corner of Wood and Del Norte)  
C.S. CO 80907

667-0216

## Serrano, Ana G

---

**From:** escovitz@mindspring.com  
**Sent:** Thursday, July 2, 2020 12:53 AM  
**To:** Serrano, Ana G  
**Subject:** Fw: Dev. Proposal 15 W. Del Norte St. 7/6/2020 Hist. Pre. Bd. meeting AR NV 20-00410-5 and

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Dear Ms. Serrano,

I agree with Sari Escovitz's letter below, and other neighbors are in agreement.

The requested variances are not in keeping with historic preservation standards and makes them meaningless.

William Escovitz  
1705 Wood Ave.

**From:** escovitz@mindspring.com  
**Sent:** Wednesday, July 1, 2020 7:13 PM  
**To:** Ana.Serrano@coloradosprings.gov  
**Subject:** Dev. Proposal 15 W. Del Norte St. 7/6/2020 Hist. Pre. Bd. meeting AR NV 20-00410-5 and

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Thank you for your attention to this matter. I look forward to your response.

Sari Escovitz (Owner)  
1705 Wood Ave (NE Corner of Wood and Del Norte)  
C.S. CO 80907

667-0216

To: Gaby Serrano  
City Planner

From:  
Fawn Bell  
1619 Wood Avenue  
Colorado Springs, CO 80907

RE: File numbers: AR R 20-00408-HPB 1611 Wood Avenue  
And AR NV 20-00410 15 West Del Norte Street

Dear Mrs. Serrano,

Thank you for speaking with me yesterday about the requested variances for the two properties above. I would like to submit a comment that I would prefer that projects requiring variances not be approved. My reasons are as follows:

1. The storm drainage along Wood Avenue in the Old North End is very poor. Already, our house basement has been flooded due to obstruction of the gutter flow by a parked container and we have had to use sand bags in high rainfall events. The surface storm system is old and was built to handle only a certain density of housing and runoff. East-west streets drain into Wood Avenue so the "watershed" is quite substantial. Additionally, some recent handicap ramps, while beneficial for walking, have allowed street water to flow up to the sidewalks and onto properties rather than remaining in the gutter. As potential new housing units produce more parked cars (all vehicles are not accommodated by the one car on-site parking requirement) more flow will be blocked and there will be more likelihood of flooding existing houses.

Wood Avenue has roughly a 1% fall from north to south so water does not flow away as quickly as on some streets. Increasing the paved surfaces and adding roofs for new structures in the neighborhood will increase the rate of runoff and remove more permeable surface area in which water could be absorbed. So, my principle concern is "Health, Safety and Welfare" – that the City is required to protect. I assume that most of the residents do not have flood insurance. We have already had remedial expenses from the time our house was flooded in a storm and also have done some modifications to our approach walks but on this flat terrain it is hard to make much difference. In the alley, where drainage also occurs we have had to raise our building and construct a new, perimeter foundation to repair damage from past flooding and mitigate future flooding. Without a drainage study and reengineering of Wood Avenue I believe it is a mistake to add drainage that exceeds the runoff capacity.

2. Code allowances are already based on reasonable land use. A variance should be for rare and valid exceptions. However, with each variance approved a new precedent is set or a previous one reinforced. The net effect is that it will become harder for the City to deny any variance. That will result in a density that is different from the R1-9000 and R1-



6000 that owners should be assured of in the neighborhood. (Residents accept the balance of existing properties already zoned R1 and R4). Unfortunately, the owners of the site at 15 West Del Norte were likely either misinformed or misled and they purchased a too small property for \$100,000 without the assurance that they would have the ability to build on it. The uncertainty about variances leads people to expect variances and potentially make costly mistakes. I believe this is very unfortunate and partly a result of an unclear message about protecting zoning in the neighborhood.

3. Regarding ADUs in the neighborhood. If I understand you correctly, these units are not currently allowed for properties zoned R1-6000 and R1-9000. This is the zoning of 1611 Wood Avenue and therefore, should not be allowed. I attended a public hearing regarding proposed ADU construction in Colorado Springs. At the meeting it was explained that the primary justification for ADUs was to provide low income housing. However, that is not the reason given for the request.
4. In the larger context I would comment that the Old North End Historic District is under tremendous pressures from deleterious impacts in the last two decades. I served on the City Council-appointed I-25 Task Force in the late 1980's and tried very hard for two years with the committee to protect residents along the entire corridor from increased noise, increased pollution, increased commuter traffic diverted neighborhoods, increased speeds (the interstate, ironically was redesigned with CDOT and Federal monies because the curves were too tight for design speeds and then once it was rebuilt the speeds were again increased beyond the design speed!) and to convince CDOT to follow the City's Master Plan and create an interstate on the east side of Colorado Springs. Unfortunately, we were not able to make an impact on the design decisions. The current noise level is equivalent to that allowed only in industrial zones according in most typical city codes. The resulting increase far exceeds the permitted residential standards. The case in my home is typical for the neighborhood – no longer able to open our windows due to noise we had to replace our historic windows with new ones to mitigate the noise. Then, unable to open the windows we had to add air conditioning. This has resulted in about \$20,000 for mitigation of I-25 for our house. With the increased development in the downtown core traffic along the neighborhood streets has also greatly increased.

We know based on the State Climatologist's models that Colorado summers will become increasingly hot and dry. Increased built surfaces resulting from more housing units together with increased traffic generation will result in a hotter, more polluted neighborhood environment— again a negative trend in terms of "Health, Safety and Welfare." These conditions have been scientifically proven to result in disease and poor health due to stress to the human body, poor performance by children in school and loss of habitat and health of the urban canopy of established trees. Already, science tells us that songbird populations have been reduced by 50% in the last twenty years. Our natural environment is critical to good health. Given the projected changes due to Climate Change it is all the more imperative to make planning choices that offset the

projected increase in temperature. More density of development has a net, negative impact and we will be stuck with it for the future. I ask the City to protect what remains of the quality of life in the City's historic district, protect monetary investments and protect the health of its citizens and the enthusiasm that it takes to care for these old structures, parks and green spaces.

One final comment is that where profit incentives arise there is a greater likelihood that developers and investors will be attracted to purchase single family residences and convert them to multifamily, residential properties – especially if variances and ADU permits are freely granted by the City. The Historic District is threatened by all of these myriad pressures and the City should protect it in every way possible. Many of the residents have been staunch, community volunteers and leaders in our city and they deserve to have some protection from the City in return.

Thank you for considering these comments carefully. I am sorry if some would-be residents' plans will not be realized if requested variances are not granted, but the ultimate, "built out" scenario for the neighborhood should drive the decisions rather than these incremental requests.

Sincerely,

Ms. Fawn Bell

## Serrano, Ana G

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**From:** Susie Schorsch <suzanne.schorsch@gmail.com>  
**Sent:** Thursday, July 2, 2020 4:21 PM  
**To:** Serrano, Ana G  
**Subject:** 15 W Del Norte Street Project

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City Planning,

This e-mail is in response to the development proposal in consideration at 15 West Del Norte and concerns that I have as a homeowner in the same block.

The Planning & Community Development Notice we received (green paper) as homeowners on Del Norte has plans for a 1291 square foot home, yet when you get the additional information it states that the home will be over 3000 square feet. Why is there a discrepancy? It is hard to make judgement when there are conflicting descriptions. 1291 sounds somewhat reasonable for the lot size but over 3000 square feet will take the whole lot and take away from the historic feel of the neighborhood.

I also am concerned for the look of the property as the front door will be almost to the sidewalk, not matching the look of the neighborhood where we saved for many years to be able to live, a historic district. One thing that makes this neighborhood so desirable is the homes set back with grass fronts and front porches. What is the responsibility of the Historic Preservation Board in matters such as these? The harmony of this block will be lost with such a large structure.

I also worry about the safety issue as so many school children use Del Norte as a way to school and the park. Is it really wise to have a door so close to where children journey?

If you could answer these questions, I would be truly appreciative. I have tried to be on these conferencing meetings during Covid, and find that they are not a really good way to communicate, so hopefully this letter will let you know our concerns as homeowners.j

The Schorsch Family  
22 West Del Norte  
Colorado Springs, CO 80907

## Serrano, Ana G

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**From:** Walter Sargent <wsargent@wsargent.com>  
**Sent:** Monday, July 6, 2020 11:41 AM  
**To:** Serrano, Ana G  
**Cc:** Walter Sargent  
**Subject:** FW: Dev. Proposal 15 W. Del Norte St. 7/6/2020 Hist. Pre. Bd. meeting AR NV 20-00410-5, AR R 20 00418-HPB

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In rereading my earlier message to you, I noticed that I misspelled your last name. Also, in the final paragraph, I referred to the “east side” of my property rather than the “west side.” I apologize for these errors. I have corrected both errors, and am resending my earlier message, as corrected.

Dear Ms. Serrano,

I am writing in response to the written and mailed notification, postmarked June 25, 2020, of a historic preservation board public hearing on June 6, 2020, in relation to a potential development project on a currently undeveloped lot at the address of 15 W. Del Norte Street, in the Old North End historical preservation area of Colorado Springs. My interest in this proposal is substantial: For more than twenty-five years, I have been the sole owner of 1632 N. Cascade Avenue, which sits immediately east of the proposed development, and which would probably be the property most greatly affected and burdened by the proposed development. I have reviewed the submissions filed online at [www.coloradosprings.gov/LDRS](http://www.coloradosprings.gov/LDRS). I have the following observations and concerns that I would like to have addressed:

First, the written and mailed notification, as well as the notification posted on the property itself, describes the project as a “proposal for a 1291 sq. ft. single family detached residence and covered deck.” The plans actually submitted to the city, however, show a residence of 3032 sq. ft., including a basement, main floor, and second floor, along with a steeply gabled third-story attic of unspecified size with a roof that rises over thirty feet above the ground and a 33-foot tall chimney, as well as a “covered deck” and a garage. I am not sure why there is such an apparent discrepancy between the notice to nearby property owners and the actual plans that are on file with the city, and I am concerned that the seemingly inaccurate or inadequate notice fails to satisfy basic requirements of due process leading up to any hearing on the proposal.

Second, the online submissions acknowledge a minimum lot requirement of 9,000 sq. ft., but are seeking a variance for a lot size of just 3,750 sq. ft. – a reduction of over 58%, to a lot size that is less than 42% of the required minimum. The proposal also seeks a reduction of almost 30% (from 70 feet to 50 feet) below the minimum required lot width, substantial reductions in setback requirements on all sides (including a front yard setback reduction from 25 feet to 18 feet, and a rear yard reduction from 30 feet to 10 feet), and an increase in lot coverage of almost 50%, from the required maximum of 25% to the proposed 37%. As far as I have seen, none of these requested variances are supported by any justifications or citations to “extraordinary circumstances” other than the desires of the new lot owners to build a rather large residential building or complex on a small, previously undeveloped lot in the middle of this historical area.

Third, although I do not purport to be an expert on the aesthetics and valuations of residential buildings and neighborhoods, I do wish to note that, ever since 1995, when I purchased the property at 1632 N. Cascade Ave., I have had sunlight and views on the **west** side of my property unencumbered by structures on the subject lot. It appears to me that the proposed building, rising over thirty feet high and with reduced setbacks from property lines, would substantially end that. If such structures had been reasonably contemplated as permissible with the neighborhood guidelines or requirements, perhaps I would have little reason to complain. But I am unaware of any history that supports the proposed development. As recently as last year, this lot was sold for \$50,000, an amount that seems more

fairly to reflect the continued use of the property as relatively open space. The very recent sale of this small, vacant lot for \$150,000 suggests, to me, very different intentions that were not fairly within the contemplation of the community.

Walter H. Sargent  
1632 N. Cascade Ave.  
(719) 229-4343

I am writing to oppose many aspects of the proposal to build a home at 15 W. Del Norte Street. I am a former Colorado Springs City Planning Commissioner and currently serve as a member of the Historic Preservation Committee of the Old North End Neighborhood. I helped to write the preservation guidelines for the Old North End that the City Council adopted in 2000. I live eight houses away from the proposed project at my home at 1712 N. Tejon Street.

The size of the home requires variances from every limit provided by the residential zoning. I am particularly concerned that the front-yard setback match the front-yard setbacks of the other houses on that block.

Historic homes in the Old North End that are two-stories high typically have a full-length front porch. This home should have a full-length front porch to historically match the neighborhood.

The plan for the exterior wall surface calls for stucco. Stucco is not one of the materials listed in the city guidelines for the Old North End, The exterior wall material for this home should be wood shingle or wood siding.

The drawing calls for a slate roof. Here also slate is not listed in the guidelines. The roof should be asphalt shingles colored dark grey to resemble original wood shingles that have weathered to dark grey.

The drawing calls for aluminum window frames. The historically correct material for window frames in the Old North End would be wood.

The shape of the roof is not typical of the Old North End. A gable-end roof design or a hipped roof would be more historical in character.

As currently proposed, this home will be non-contributing to the historic guidelines adopted as law by City Council. Please amend them to meet those standards.

Robert D. Loevy

1712 N. Tejon St.

640-5895

[blioivy@coloradocollege.edu](mailto:blioivy@coloradocollege.edu)

## Serrano, Ana G

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**From:** escovitz@mindspring.com  
**Sent:** Thursday, July 2, 2020 12:53 AM  
**To:** Serrano, Ana G  
**Subject:** Fw: Dev. Proposal 15 W. Del Norte St. 7/6/2020 Hist. Pre. Bd. meeting AR NV 20-00410-5 and

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Dear Ms. Serrano,

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William Escovitz  
1705 Wood Ave.

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**Sent:** Wednesday, July 1, 2020 7:13 PM  
**To:** Ana.Serrano@coloradosprings.gov  
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## Serrano, Ana G

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**To:** Serrano, Ana G  
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