

**CITY OF COLORADO SPRINGS PLANNING DEPARTMENT
RECORD-OF-DECISION FOR A NON-USE VARIANCE**

FILE: AR NV 17-00123

DECISION DATE: JUNE 5, 2017

INFORMATION

Name of Applicant: 28 Polo LLC
Address of Premises Involved: 28 Polo
Zone District: R
Tax Schedule Number: 7425414008

REQUEST

A request by 28 Polo LLC for a non use variance to allow two 19,230 square foot lots where 20,000 square feet is required in the R zone district. The property contains 38,460 square feet.

AGENCY COMMENTS

No comments from agencies.

STAFF ANALYSIS

CITY CODE CRITERIA TO GRANT A NON-USE VARIANCE		CRITERIA MET OR NOT MET
1. 7.5.802 (B.1)	Exceptional or Extraordinary Conditions	Met
The property shape is more similar to a pie shape instead of a rectangular shape. The majority of the surrounding properties exhibit a typical rectangular shape lot. In addition, the property has a steep slope on the north side of the property. The applicant has placed a preservation area over the steep slope on the property in order to protect the slope. In addition, the applicant has limited the lot coverage for the lots to 15% to help limit the impact on surrounding properties. Therefore, the properties shape and topography provide exceptional or extraordinary physical conditions to the site.		
2. 7.5.802 (B.2)	No Reasonable Use of Property	Met
The applicant is requesting a 3.85% reduction in lot size for each of the two lots. An analysis of the surrounding properties shows that the properties range in lot size from 14,000 square feet to 31,000 square feet. Seven of the nearby properties do not meet the 20,000 square foot requirement for the R zone district. The neighborhood standard that exists with the lots ranging in size from 14,000 square feet to 31,000 square feet demonstrates a less reasonable use for this property.		
3. 7.5.802 (B.3)	No Adverse Impact to Surrounding Property	Met
The granting of the variance will not adversely impact the health, safety and welfare of the surrounding properties. A drainage report and geologic hazard report in addition to a preliminary and final plat have been approved for the site. The plans demonstrate there will be no adverse impacts to the neighborhood.		

STAFF DECISION

APPROVED: Staff approves the non-use variance request due to the criteria being met.

6/5/17
DATE OF DECISION

Zanna Thelen
STAFF MEMBER

APPLICANTS: THE DECISION PERTAINS ONLY TO THE APPLICATION YOU SUBMITTED. YOU MUST COMPLY WITH ALL OTHER APPLICABLE REQUIREMENTS OF THE CITY OF COLORADO SPRINGS AND THE REGIONAL BUILDING DEPARTMENT. A COPY OF THE RECORD-OF-DECISION AND APPROVED SITE PLAN SHALL BE SUBMITTED IN CONJUNCTION WITH A BUILDING PERMIT APPLICATION. THIS VARIANCE DOES NOT SUPERSEDE OR NULLIFY PRIVATE COVENANTS THAT MAY LAWFULLY IMPOSE OTHER RESTRICTIONS ON THE USE OF YOUR PROPERTY.