

From: [Malpica, Johnny P](#)
To: [Debbie Wright](#)
Subject: RE: west side variance
Date: Monday, January 27, 2025 11:29:00 AM
Attachments: [image001.png](#)

Good morning, Debbie,

I hope this email finds you well. Thank you for providing your concerns regarding these nonuse variance applications. I will present your concerns to the applicant and ask that they provide a response. Please be advised that your concerns will also be saved as official public comment and attached to the application which requires approval from City Planning Commission. Below I provide a brief response to your concerns in the hopes that it may alleviate the nature of your concern. Do feel free to reach out to me, however, if you have additional concerns or questions.

This application proposes to subdivide one 11,234 sq. ft. lot zoned R2 into two lots, both of which will be provided with vehicular access along W Kiowa St to allow for adequate parking, and both newly created lots will meet the minimum lot size and width for the zone district. The need for the variances results from the historic location of the existing home and where the property gains access to W Kiowa St along the western portion. While no additional construction is being proposed with this application, any future construction would be required to meet all applicable city code development standards.

Respectfully,



**JOHNNY MALPICA, AICP, LEED® Green
Associate™**
Planner II, Urban Planning Division
Planning Department
City of Colorado Springs
Office: (719) 385-5369
Email: johnny.malpica@coloradosprings.gov

Links:

[Planning & Community Development Home](#)
[Look at Applications Online \(LDRS\)](#)
[Pre-Application Meeting Request](#)

From: Debbie Wright <debbielwright@icloud.com>
Sent: Sunday, December 1, 2024 4:32 PM
To: Malpica, Johnny P <Johnny.Malpica@coloradosprings.gov>
Subject: west side variance

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Hi...I will make this brief. I am opposed to to the project on 1609 W Kiowa. I feel it is too much for the lot and there is no discussion of the parking. I came from a city that stuffed new projects into older neighborhoods without any consideration of the run off water or the houses next door.

Building on every bit of the lot takes up the land that formerly was handling the runoff. As expected flooding occurred for the first time in 50 years to the existing houses.

I am not opposed to unattached dwellings if they respect the neighborhoods and the already crowded street parking problem. And if they are not just crowded in changing the entire feel of the neighborhood.

Thank you,
Debbie Wright

From: [Malpica, Johnny P](#)
To: [Jim Stolz](#)
Subject: RE: 1609 W Kiowa St Non-Variances Request
Date: Monday, January 27, 2025 11:21:00 AM
Attachments: [image001.png](#)

Good morning, Jim,

Thank you for providing your concerns regarding the non-use variance requests in association with the subdivision application proposed at 1609 W Kiowa St. Please be advised that your concerns will be presented to City Planning Commission prior to approval and relayed to the applicant, who may provide a unified response to concerns prior to the public hearing. Below I provide some clarification regarding your concerns in red. Do feel free to reach out to me with any additional questions.

We are writing to voice our concerns regarding the proposed variance to the property at 1609 W Kiowa St. We are opposed to the approval of these two variances for this proposed development project. Approval would set a negative precedent for the Westside. – Please note that variances and other forms of relief request are reviewed based on the applicant's ability to demonstrate that they meet the review criteria. With that said, variance requests are reviewed based on the property conditions specifically against the review criteria and shall not serve as precedence for future development on other properties.

We feel that the variance asks for too much building area on the proposed lots such as when 5' is required and .09' (less than 2 inches) is requested for side setback. – Both variance requests are resulting from a proposed replat application that requests to subdivide an existing 11,234 sq. ft. lot into two lots, both of which would have driveway access to W Kiowa St. so that adequate parking can be provided for both lots. The proposal aims to maintain the existing access along the western portion of the lot, although redefines this access area so that the existing access point may serve the newly created lot in the rear. A new driveway access point will be added to the eastern portion of the lot to serve the newly created lot in the front. It should be noted that the minimum lot size and width for an R2 zone district lot is 5,000 sq. ft. and 50' wide, as such this 11,235 sq. ft. lot is sufficiently large enough to support a subdivision. Provided that the western existing access area will now serve the newly created lot in the rear, the new property boundary results in a .9' setback from the existing home to the newly created property line serving as an access portion. However, the home's relationship to the adjacent parcel is still 12.9' and no construction or changes to the home are being proposed. Furthermore, the access area is being reserved as an access and utility easement, and so no construction may occur in this location. Overall, the proposal maintains the existing historical location of the primary structure, and reduces the impact of vehicles along the alley behind the home, as well as creates adequate off-street parking for both lots.

Also, it appears that the access to the properties would be via the alley if the variances are

approved. We don't feel that would be a safe or prudent precedent as this is already a heavily used alley. In addition, drainage is always a concern due to the clay soil present on the Westside. Extensive non permeable surfaces could cause flooding problems for surrounding properties. - The purpose of this subdivision and the resulting nonuse variance applications are to provide adequate vehicle access to W Kiowa St and off-street parking for both lots. As such while the newly created lot will still have access to the alley along W Kiowa St, both properties will gain primary access from W Kiowa St. Regarding future construction on either lot, which is not being proposed with this application, those proposals would be subject to stormwater and geo-hazard engineering requirements.

Surrounding properties could also lose sunlight and privacy if structures tower over adjacent houses. - All construction is required to comply with the height requirement prescribed for the zone district.

Building codes are in place to preserve the character, livability and safety of neighborhoods. This proposed development project has variance requests that diminish these objectives and should be rejected.

Again, thank you for providing your concerns regarding this application. If you have additional questions, comments, or concerns, please feel free to reach out to me.

Respectfully,



JOHNNY MALPICA, AICP, LEED® Green Associate™
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From: Jim Stolz <jvs80904@gmail.com>
Sent: Sunday, December 1, 2024 5:13 PM
To: Malpica, Johnny P <Johnny.Malpica@coloradosprings.gov>
Subject: 1609 W Kiowa St Non-Variations Request

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We are writing to voice our concerns regarding the proposed variance to the property at 1609 W Kiowa St. We are opposed to the approval of these two variances for this proposed development project. Approval would set a negative precedent for the Westside.

We feel that the variance asks for too much building area on the proposed lots such as when 5' is required and .09' (less than 2 inches) is requested for side setback.

Also, it appears that the access to the properties would be via the alley if the variances are approved. We don't feel that would be a safe or prudent precedent as this is already a heavily used alley. In addition, drainage is always a concern due to the clay soil present on the Westside. Extensive non permeable surfaces could cause flooding problems for surrounding properties.

Surrounding properties could also lose sunlight and privacy if structures tower over adjacent houses.

Building codes are in place to preserve the character, livability and safety of neighborhoods. This proposed development project has variance requests that diminish these objectives and should be rejected.

Sincerely,
James v and Ann Soltis-Stolz
1701 W Bijou St.

City of Colorado Springs
Johnny Malpica, Planner II
Planning Department
Application Nos. NVAR-48-0018 & NVAR-24-0019
1609 W Kiowa St. (Schedule No. 7412323002)

Public Comment: Initial Comment (Nov. 21, 2024)

Hello, Johnny,

*As an adjacent neighbor, I received mailed notification for NVAR 24-0018 and NVAR 24-0019. In reviewing the documents online, I am not entirely clear as to what the requests are. Can you please confirm if the variance requests are for 1) reduction in the side setback requirements to less than one foot for **one side** of the lot and 2) expanding the driveway access from Kiowa?*

The "Application" section of the project statements indicates that there is a separate, future (?) intent to subdivide the lot, assuming to allow for an additional structure in the rear or is the 2nd lot intended to serve only for parking? Having a separate lot in the rear is not reflective of the area's existing lot pattern as stated in #3 of NVAR-24-0018's project statement.

I am concerned about the potential separation between structures (if the side setback reduction applies to both sides) and privacy if an additional structure is permitted to be built in the future.

*Thank you for your assistance.
Deborah Harvey
1603 W. Kiowa St
Colorado Springs, CO 80904*

City Planner: Initial Response (Nov. 21, 2024)

Hi Deborah,

Thank you for your inquiry.

The application is a subdivision of one lot into two lots. Both lots would meet the minimum lot width and area. However, the newly created lot in the rear creates two nonconformities, 1) an access width that is 12', where 20' is required, and 2) the existing home would be setback 1' where 5' is required along the western side yard property line, which allows for the access path serving the newly created lot. Note that no structure would be able to be constructed within the access path.

The existing lot is quite large, as compared with other lots in the neighborhood and the applicant's proposal seems reasonable at present moment based on the nonuse variance criteria, and if fire construction services and other city review agencies see no concerns. Note that the nonuse variances will only permit the existing home on that lot to be located 1' from the property line. All other setbacks will remain and must be met.

At present moment there is no proposal for construction on the newly created lot to the rear, although any future construction would be required to abide by the building and lot standards for an R-2 zone lot of this size, which at present moment would allow for one single-family home and a detached ADU, if desired.

Please feel free to reach out to me if you have any additional questions or concerns.

Respectfully,

JOHNNY MALPICA, AICP, LEED® Green Associate™

Planner II, Urban Planning Division

Planning Department

City of Colorado Springs

Applicant Response:

Dear Ms. Harvey,

Thank you for your response to the recent mailer from the City Planning Department regarding the planning applications for the project at 1609 W Kiowa St. Included above is your correspondence from November 21, 2024 with the City Planner assigned to this project, Mr. Johnny Malpica.

It appears Mr. Malpica already offered a thorough response to those initial comments that same day. However, it is understood that a follow up inquiry was made the next day, and I, Mr. Farrell, as the Applicant for this project (on behalf the owner), will look to provide further clarification. The contents of that second email will be included below along with my responses in **blue**.

Public Comment: Follow Up Response (Nov. 22, 2024) **[Applicant Responses in Blue]**

Johnny,

Thanks for getting back to me... Can you clarify a few more details?

Item 1.

From paragraph 1... 2) the **existing home*** would be setback 1' where 5' is required along the western side yard property line, which allows for the access path serving the newly created lot. Note that no structure would be able to be constructed within the **access path****.

*** The existing home is 12.9' from the side property line. Plan says "to be removed"... do you mean the existing garage and the shed in proposed lot 2 is to be removed?**

**** By access path, do you mean new driveway?**

As noted above, the existing home is currently 12.9' from the existing West lot line.

As Mr. Malpica described, the newly proposed, subdivided Rear Lot ("Lot 2") would be serviced by a 12' dedicated "access path" – which in this case would be for a **driveway**.

However, that driveway would not necessarily be anything new to this lot. That is because the existing driveway would effectively be repurposed and dedicated for Lot 2's primary access to and from West Kiowa Street, keeping the lot's existing pattern and usage.

Additionally, since the "old" driveway for the existing property would become the "new" driveway for the Rear Lot, then it would practically follow to **remove the existing detached garage** (via demolition, relocation, etc.).

Item 2.

From paragraph 2... Note that the nonuse variances will only permit the existing home on that lot to be located 1'^ from the property line.

^From the notice project description... side setback reduction say .09', so it is actually 1' for the West setback only? The East setback is to remain at 5'? Please confirm yes, or no.

Due to the driveway discussed above, the existing physical home would be about 1' from the Front Lot's ("Lot 1") new west lot line. In fact, this 1' distance is mostly due to the *bay window* on the western side of the home. Otherwise, the rest of the walls on the west side of the home are nearly 5' from said lot line.

Consequently, a non-use variance for the reduction of the side setback from 5' to about 1' is being requested **only for the West side of the Front Lot**. As for any other setbacks, I'll repeat what Mr. Malpica said previously: "Note that the nonuse variances will only permit the existing home on that lot to be

*located 1' from the property line. **All other setbacks will remain and must be met.***

It is worth noting again here as Mr. Malpica mentioned that no structure could be built in Lot 2's access path (i.e., driveway).

Item 3.

From paragraph 3 ... At present moment there is no proposal for construction on the newly created lot to the rear, although any future construction would be required to abide by the building and lot standards for an R-2 zone lot of this size, which at present moment would allow for one single-family home and a detached ADU, if desired.

So this request appears to be a Phase 1 Plan then? Why submit this variance if not to construct a new structure in the back?

Per the City's Zoning Code, a "development plan" (which is actually a technical term for a type of a design document typically required for commercial-level projects) is not required for a minor residential subdivision application such as this.

But as Mr. Malpica expressed, "[...] *any future construction would be required to abide by the building and lot standards for an R-2 zone lot of this size.*" This would include the further review and approval by the likes of the City Planning Department, the Pikes Peak Regional Building Department, etc. wherever permits are necessary.

Thank you.
Deborah

City of Colorado Springs
Johnny Malpica, Planner II
Planning Department
Application Nos. NVAR-48-0018 & NVAR-24-0019
1609 W Kiowa St. (Schedule No. 7412323002)

Response to Public Comment

Dear Mr. Pijanowski,

Thank you for your response to the recent mailer from the City Planning Department regarding the planning applications for the project at 1609 W Kiowa St. Included below are Mr. Pijanowski's comments to the City Planner of record, Mr. Malpica, on November 25, 2024. Responses from the Applicant, Mr. Farrell, are noted below as well in **blue**.

Public Comment: Initial Comment (Nov. 25, 2024) **[Applicant Responses in Blue]**

Dear Mr. Malpica,

I am writing to provide you with my comments in regard to the two variances requested for a proposed subdivision directly across the street from my residence located at 1606 West Kiowa Street.

I have lived in this home for 44 years and have invested a lifetime of energy and financial resources curating this lovely Queen Anne Victorian. I understand that the city is focused on infill to make the most of existing infrastructure however, this proposed subdivision of the property now known as 1609 W. Kiowa is a stretch too far.

*This minor residential subdivision is in keeping with the goals of the Unified Development Code (i.e., Zoning Code) to, "achieve high-quality infill and redevelopment." Moreover, this unique part of our City is envisioned as a "Reinvestment Area" in the **Comprehensive Plan, PlanCOS**. That entails, "Embracing Creative Infill, Adaptation, and Land Use Change" (Chapter 3: Unique Places). Also, this project incorporates some other PlanCOS goals including, "Everyone in a Neighborhood," "Housing for All," and "Reclaim Neighborhood Space" (Chapter 2: Vibrant Neighborhoods).*

We have specific requirements in our zoning ordinance for a reason. The ordinance that all westside residents are asked to abide by.

Per a portion of commentary provided elsewhere by the assigned City Planner (of the Urban Planning Division), Mr. Malpica, "The existing lot is

quite large, as compared with other lots in the neighborhood and the applicant's proposal seems reasonable at present moment based on the nonuse variance criteria, and if fire construction services and other city review agencies see no concerns. Note that the nonuse variances will only permit the existing home on that lot to be located 1' from the property line. All other setbacks will remain and must be met. [...] any future construction would be required to abide by the building and lot standards for an R-2 zone lot of this size."

That is, any building development beyond this mere subdivision of the land would include review and approval by the likes of the Zoning Department, the Pikes Peak Regional Building Department, etc. wherever permits are deemed necessary.

If your department were to approve this request, you are essentially opening the ordinance up to all future requests along these lines. This request does not meet with the requirements for a variance and should therefore not be approved. The owner of this property could easily build an ADU in the back of the property without subdividing the lot. Thank you in advance for your consideration of these comments.

All proposals of this nature would be subject to the City's application processes including the review and approval by multiple agencies including Zoning, Real Estate Services, Engineering, Stormwater, Regional Building, Colorado Springs Utilities, etc. As described above, this request is in line with the *Comprehensive Plan* for the City and specific goals of the Old Colorado City area. Application is made to vary from two zoning standards (noted below) with reasonable justifications presented within the project documents for the potential of **creative infill and redevelopment**.

Per another remark elsewhere by the City Planner for this project, Mr. Malpica, *"The application is a subdivision of one lot into two lots. Both lots would meet the minimum lot width and area. However, the newly created lot in the rear creates two nonconformities, 1) an access width that is 12', where 20' is required, and 2) the existing home would be setback [about] 1' where 5' is required along the western side yard property line, which allows for the access path serving the newly created lot. Note that no structure would be able to be constructed within the access path."*

Please feel free to contact me if you would like to further discuss my opposition.

*Respectfully,
Dale Anne Pijanowski
1606 West Kiowa Street Colorado Springs, CO 80904*