



City of Colorado Springs

City Administration
Building
30 South Nevada Avenue

Meeting Minutes - Draft Historic Preservation Board

*Carol Lopez
Darryl Smith
Brett Lobello
Len Kendall
Barry Binder*

Monday, August 3, 2020

4:30 PM

Remote Meeting

- 6.A. [ARR](#) An appeal of the Historic Preservation Board's approval of the Report of
[20-00516-HP](#) Acceptability for construction of a new single-family residence located at
[B](#) 15 West Del Norte Street.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Ms. Gaby Serrano, Planner II with the Central Planning Team. The Central Team reviews projects within the Historic Preservation Overlay Zone District.

Ms. Serrano gave an updated presentation on how the scope of the project had changed since the approval of the Board at the last hearing held on July 6, 2020. Staff will review the nonuse variances.

Ms. Serrano restated the Board originally approved this application at the July 6, 2020 Historic Preservation Board Meeting. The style of the home approved was a Tudor style architecture and hasn't changed.

Ms. Serrano stated the changes are the elevation of the home. Previously the proposed height was 30' but based on comments from the neighbors they lowered it to 25'. Changes were also made to the windows. They were proposing double hung windows and have changed them to casement windows but the changes are still consistent with the approved style windows for the area. Windows were added to the basement and will be visible from the public right-of-way. The kitchen windows were reduced from five (5) windows to three (3). French doors were changed from diamond pane to colonial pane. The door facing west of Del Norte matches to the style of those to the west and the south of Del Norte. The design elements are consistent with the Tudor Style home architecture style located in the neighborhood. Tudor Style homes are described as having a stucco façade. The intent of the changes are to reflect and match the Tudor Style home in this neighborhood. Ms. Serrano provided

pictures of other Tudor Style home registered in the historic registry. They show stucco façade buildings with different types of windows.

Ms. Serrano stated the applicant provided different examples of materials for the project and staff has received several comments about this and those comments have been provided to the Board. Staff received comments about the nonuse variances and the building. However, as stated previously those variances are reviewed by staff and within the purview of the Board. Staff completed proper notification for the meeting today and the site was posted properly.

Applicant Presentation:

Applicants and property owners, Ashley Ackerman gave a presentation of proposed changes to home based on the comments from the last meeting and with respect to their neighbors. The home is being made for their family to live in and no one else. The materials for the home remain the same but they've included larger pictures of them.

Chair Binder opened the meeting for those in support or opposition.

Dan Sexton informed board that comments made by the public will be limited to 3 minutes and without rebuttal.

Support:

Tim Boddington asked if the elevations labeled correctly. Chair Binder stated they'd note the question. Ms. Ackerman state the architect labeled the elevations and the plan doesn't have a true north but more of a compass

Chair Binder asked for further comments for support. There were none.

Opposition:

Sari Escovitz vehemently complained about being muted during the meeting as she was trying to take part. She stated her prepared statement would take longer than time allowed. She asked the Board defer any decision until the opportunity to read in detail the comments regarding opposition to the project. What was being proposed isn't a single family residence because it has a 900 sq. ft. basement with an external entry and exit way suitable for a rental or for an Airbnb which is what the property across the alley from you is and is owned by your friends. They don't need any more of "that" in their stable, quiet neighborhood. Ms. Escovitz stated with the limitation of 3 minutes she asked the board to thoroughly review the matter before making a decision. This isn't a rubber stamp or a simple window change, this affects the whole quality of the Old North End under the Historic Preservation Overlay. It's clear that if this gets a rubber stamp they will lose the Old North End.

Mr. Sargent stated he's a practicing attorney and been thoroughly involved with this matter. He completely concurred with Mr. Anderson's comments at the beginning of the meeting in the comments portion for items not on the agenda. He sent email to Ms. Serrano and Mr. Sexton that pointing out that application specifically says "that the board may not hear this" and "may not have a hearing until the all of the nonuse variances have been approved." That hasn't happened and he hasn't heard anything about that except Mr. Sexton's comments stating we are not following that anymore. Mr. Sargent stated that he couldn't recall a precedent for that kind of statement. Ms. Escovitz comments regarding the jurisdiction of the Board and the number of members hasn't had a response. Nor he had not heard a coherent response to Ms. Escovitz argument that this is not a full complement of members. Ms. Escovitz is an attorney with a long history and wanted to make sure her comments received the appropriate respect and deference. He disagreed with Mr. Sexton comments that these are just "guidelines" because the ONEN standards are not just guidelines. The City Code section 1602 has been referenced extensively by everyone. The main point is the mass, size, the overwhelming largeness that's asked to be developed on this property and couldn't understand why the item couldn't be tabled. The entire item is procedurally incorrect. He urged board to look at the comments provided.

Chair Binder interjected they had received a number of comments from public and concurred they were well articulated and worthy of consideration and were part of their information. He hoped all the Board members had opportunity to review those prior to the hearing.

Mike and Donna Guthrie are neighbors across the street stated they had concerns about the massive scope of this project on this size of a lot and the setbacks that are articulated along the alley and from the street. They're concerns were the construction of this on that small lot.

Mr. Mike Anderson stated he had numerous observations. The application didn't included a visual rendering of how the building will situate on the lot, nor a street view of how the plan affects the neighboring properties. The building is very large in terms of mass and scale for the lot size. The floor area ratio is .81 which is not in keeping with the size and scale of neighboring architectural structures. They calculated the FAR's of adjacent structures and there were in the .4 to .49 range so this is much larger in terms of mass and scale to what is seen in the neighborhood. The newly proposed height is still enough to allow the home to be seen from Cascade Avenue right-of-way over the home at 1632 Cascade Ave which is a violation of design standard A2. Stucco homes in the area have a closed in front porch, stucco construction doesn't meet the design practice for building material as listed in design standard B2. The Old North

End interpretive guide stated stucco is only appropriate for Craftsman Style, Bungalow Style, Richmond Style or Modern Style. The pictures shown by Ms. Serrano is where stucco was applied over original wood. Stucco is not an appropriate historical use for new structures or additions. Roof materials were listed as slate or pho slate style neither of which are acceptable roofing material as listed in design standard in B2 or in the design guidelines or in the Old North End Neighborhood Interpretive Guide. Roof materials should be asphalt shingles colored dark grey to resemble original weathered wood shingles. Houses along West Del North have front porches that are wood clapboard and brick this home does not.

Mr. Anderson further stated they believe the home will not contribute to the Old North End Historic District and the way it's presently designed will not have a positive impact on the general historic and architecture character of the overlay zone. His written comments reference all the items and sections of the design standards of the Old North End that the project does not satisfy.

Mr. Anderson also stated regarding his comments made at the beginning of the meeting the design standards he referred to were approved by City Council and should for all intent and purposes should be the guiding standards not four criteria in the ordinance.

Pat Doyle stated when Ms. Serrano discussed there were many stucco houses in the neighborhood isn't correct because what was talked about is a sub area of the neighborhood of where there this property would be built. You cannot generalize to the whole neighborhood. You need to look at the specificity, the sub area, not entire neighborhood to justify what is thought to be appropriate.

Ms. Escovitz tried to offer further comments stating she was offering comment for her neighbor but Chair Binder stated she'd already had her three (3) minutes to speak and asked her to forward an email to the planner and it would be included in the record.

William Escovitz stated he supported is wife's comments and Mr. Anderson's comments.

Discussion and Comments by the Board:

Chair Binder asked for clarification from staff if the previously approved application was void or is it considered still valid.

Mrs. Bell tried offer comments and Chair Binder had to interrupt and let her know the portion of the public comments were closed. She argued and said she'd been trying for over 30 minutes to participate. Mr. Sexton stated to Chair Binder to go ahead and allow this person participate.

Ms. Bell stated she opposed project. She's a neighbor and landscape architect and her concern was about site work and how it will affect impervious surface. They already have drainage issues along the alley and Wood Avenue. (** Please note the Recording went silent at this time due to technical difficulties**)

When the recording started again Ms. Bell had questions about the garage and if it was being accessed from the alley. Ms. Bell also asked about off-site parking and if the garage satisfied the parking requirements.

Ms. Serrano stated there was no required parking for single family homes. The applicant is providing a garage. Ms. Bell stated there wasn't enough room for the car to back out into the alley from the garage and they wouldn't be able to see if anyone is coming down the alley and asked if they'd looked at that concern.

Mr. Sexton clarified Ms. Bell's main concern is if the proposed residential project adequately addressed stormwater and turning movements from garage off the alley access?

Mrs. Bell stated not turning movements but the ability to see as you back up. Ms. Bell referenced the statement they will enhance the site with traditional landscaping but with such little of the site left, and with no pad at the door and no indication of a patio, how much more will they make the site impermeable.

Mr. Sexton advised board that after public comment is closed those comments and questions can be addressed and/or answered.

Chair Binder stated since there've been technical difficulties he asked one more time if there was anyone else in opposition to the application.

Susan Short, 22 W Del Norte, stated she was the neighbor that had given Ms. Escovitz permission to speak on her behalf. She sent in a letter expressing concern about size of property and felt this was the major concern of the neighborhood. Del Norte is the street with the school crosswalk and this house will make it hard to see. It will make it hard for cars coming from the alley to get onto the street, she's worried about it being so close to the sidewalk where kids walk. So they need to think about the size of this home.

Chair Binder asked again, for additional public comments in opposition, due to technical difficulties. There were none.

Chair Binder closed public portion of hearing for this item.

Chair Binder asked staff if they'd address the watershed issue, and the visibility

for the property. Chair Binder restated his question regarding with the filing of the new application is the previously approved application rendered void or if the previous application go on the record as valid?

Ms. Serrano replied, if the board makes a motion today, it will be to the amendment. The structure of the home would not be void. Only the elevations are being amended.

Chair Binder stated before he would open it up for fellow Board members to make comments he'd state his observations.

At the last meeting this project was discussed extensively about what could be considered and what wasn't going to be considered regarding mass and scale. That application has already been approved by the Board. He still felt the style proposal was consistent with the neighborhood. However, he did not believe it was consistent with 7.5.1605.C.4. He thinks the project will affect the protection enhancement and the perpetuation used in the Historic Preservation Overlay. Just a reminder, we're reviewing the amendment to the approved plan.

Roll call for each member of the Board to give comments.

Vice-chair Lopez stated she has questions about procedural items. Primarily not using the design standards in their decision making and wanted that clarified in a future meeting or a work session because she reads the materials differently.

Board Member Smith stated he has no questions.

Board Member Lobello stated he had not questions but had some comments. He appreciated the applicant's decision to reduce the height based on feedback from the public and that's a start.

Board Member Kendall stated he commended the applicant as Board Member Lobello said for hearing the concerns of the neighbors for what he thought was a significant reduction in height of the structure. He thought the big issue with this is the lot is very small but the applicant can't do anything about it. It is their right to ask for the nonuse variances and that's up to staff to make the decision. He still believed this would be good for the neighborhood even though there were numerous of concerns unrelated to the Board's purview. In the end there's someone who wants to build a home and they listened to their neighbors. There are a lot larger structures than this one in the neighborhood it just the issue of the small lot. He will be in favor of the project.

Ms. Serrano asked Chair Binder if he had further comments or questions.

Chair Binder stated he did not have any questions but as Mr. Sexton indicated staff could answer any questions that were raised in the public comment portion.

Mr. Sexton stated he'd address comments regarding procedures and compliance with other city code requirements. Regarding stormwater - this is an undeveloped lot so the new construction had to comply with the City's Drainage Control Manual and work the City's Stormwater Enterprise to ensure layout for configuration for over lot grading is complied with and the amount of impervious surface works within the criteria. But this is not within the prevue of the Board.

In term of sight lines or turning radiuses from the driveway out the alley there are very tight lines and turning conditions in the Old North End. Staff evaluates those with respect to the site plan approval and the building permit so as not to create a hazardous situation but on a development for a single family lot, we don't have a sight line standards. Those standards are usually applied to public or private street intersections.

(**Technical problems - audio is silent**)

Audio resumes with Mr. Sexton discussing the landscaping and stated it's probably sod or blue grass around portions of the house which is consistent with neighboring landscaping. However this is not being changed by the applicant so what was approved on the 7/6/20 will continue.

Regarding process in general in accordance with City Code staff completed the public notice, scheduled the item for public hearing, and has given direction to the Board based on the guidance given by the City Attorney's office about what is in the regulatory purview of the Board. There has been back and for discussion about the design guidelines and yes there were design guidelines that were adopted in 2000 with the overlay zone. But staff has been directed to use for review and staff has indicated to the Board what is used for review criteria are the four (4) criteria found at City Code Section 7.5.1605.C.1, 2, 3, and 4. These are the criteria the Board has to base their decision on. They can consider the design guidelines as well as the other documents that the Old North End has prepared to help inform residents, contractors regarding the spirit and intent of the Old North End but the Board's decision has to be based on those four (4) criteria found in City Code. The Board can interject of a points in the discussion of favorable or negative vote based on something that doesn't comply from those design guidelines but they make their decision based on the City Code Criteria.

Regarding sequencing there is nothing in City Code stipulating the sequencing

of the consideration of administrative items or quasi-judicial items the Board is considering tonight. There's an active appeal for the previously approved report of acceptability and our department determined the most correct path is not to issue the nonuse variances at this time since there's a distinct possibility dimensions for the home could change. So we'll wait until the design of the home has been approved.

Ms. Escovitz interrupted the meeting again, even though the public comment and question portion of the meeting had been closed twice. Chair Binder reminded her again of this point of order but she went on to ask about the appeal and how the process would work and if the amendment is passed would that be appeal stating it was too confusing to follow and asked for a ruling as to what would happen.

Chair Binder allowed Mr. Sexton to answer the question.

Mr. Sexton reiterated as he stated previously, they know about the appeal of the July 6, 2020, approved Report of Acceptability. Based on Code guideline the appeal was scheduled for the August 11, 2020, City Council meeting. In Mr. Anderson's appeal statement he asked for a postponement to the next City Council meeting which was granted. So the item will be read into the record at the August 11 meeting and postponed to the next formal hearing of the City Council on August 25, 2020. We've extend an offer to Mr. Anderson to modify his appeal statement with regard to any decision made by the Board tonight so that at the City Council Meeting on August 25, 2020, council members will have the most recent position of the appellant and the most recent decision of the Board.

Ms. Escovitz asked if there would be new posting for that August 25, 2020, meeting. Mr. Sexton said there would be. Ms. Lobato tried to clarify that there may be a poster on the site but not necessarily postcards because at the August 11 Council Meeting the postponement is to a date certain and postcards are not generally send out again if an item is postponed to a date certain. But Mr. Sexton could speak to that

Ms. Escovitz asserted Mr. Sexton had already done that. Ms. Escovitz vehemently insisted everything was too confusing and they'd received postcards about the August 11 hearing and now you're saying it's postpone. So if you don't send out new notices for the August 25, 2020, hearing you're denying due process and committing fraud.

Mr. Sexton stated after consulting the Director and Assistant Director they can do an extra public notice even though that is not required by code.

Motion:

Board Member Lobello motioned to approve application AR R 20-00516-HPB based upon the item meets code criteria C.1, C.2 , C.3 and C.4 as set forth in City Code Section 7.5.1605.C and seconded by Board Member Kendall

Motion by Lobello, seconded by Kendall, to approve a Report of Acceptability for the 15 West Del Norte Street Amendment project, based upon the findings that the request meets the review criteria for granting a Report of Acceptability, as set forth in City Code Section 7.5.1605.C. The motion passed by a vote of 5:0:2:0

Aye: 5 - Vice Chair Lopez, Smith, Lobello, Kendall and Chair Binder