6110 PEMBERTON WAY - DECK REPLACEMENT

Planning Commission May 14, 2025

Staff Report by Case Planner: Drew Foxx

Quick Facts

Applicant
1st Call Exteriors and Construction

Property Owner
Pinon Valley LLC

Developer
1st Call Exteriors and Construction

Address / Location
6110 Pemberton Way

TSN(s)
7314201028

Zoning and Overlays
Current: PDZ HS-O WUI-O (Planned Development Zone with Hillside and Wildland Urban Interface Overlay)

Site Area
.11 Acres

Proposed Land Use
Deck Replacement

Applicable Code
Unified Development Code

Council District
District 1

Project Summary

A non-use variance request for a 15-foot rear yard setback where 25-feet is required per the Pinon Valley PDZ (Planned Development Zone) development plan to accommodate the replacement of an existing 100 sq. ft. deck.

File Number	Application Type	Decision Type
NVAR-25-0001	Non-Use Variance	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

Action	*Name*	*Date*
Annexation	Pope's Bluff Addition #3	1971
Subdivision	Pinon Valley Filing No. 4	May 13, 1983
Master Plan	Pinon Valley	May 17, 1978
Prior Enforcement Action	N/A	N/A

Site History

The subject lot was annexed into the City of Colorado Springs in 1971 and platted on May 13, 1983 as Lot 12 of Pinon Valley Filing No. 4. A single-family dwelling unit was built on the lot in 1984 subject to the Pinon Valley PDZ Development Plan (City File No. PD DP 83-137).

Applicable Code

The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project, and as such, all subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	Zoning	*Existing Use*	*Special Conditions*
North	Planned Development Zone	Single-Family Residential	N/A
West	Planned Development Zone	Single-Family Residential	Immediately west of the subject property is a 60’ wide drainage tract for North Douglas Creek
South	Planned Development Zone	Single-Family Residential	N/A
East	Planned Development Zone	Single-Family Residential	N/A

Zoning Map

Stakeholder Involvement

Public Notice

Public Notice Occurrences *(Poster / Postcards)*	Initial Public Notice / City Planning Commission
Postcard Mailing Radius	1,000’
Number of Postcards Mailed	299
Number of Comments Received	None

Timeline of Review

Initial Submittal Date	March 4, 2025
Number of Review Cycles	Two
Item(s) Ready for Agenda	April 21, 2025

Agency Review

Hillside Overlay

- The deck will be required to have a LOD (limit of disturbance) boundary inspection prior to the start of construction, followed by a "pre frame" inspection halfway through construction and zoning final inspection to ensure deck complies with approved plans.

- It is important to know that a deck permit does not require a Hillside Site and Grading Plan unless the proposed work requires changing grade at the site.

Colorado Springs Fire Department

- This lot is in the Wildland Urban Interface (WUI), this project must meet all applicable requirements within Appendix K of the 2021 International Fire Code.

Non-Use Variance

Summary of Application

The owner of the property is requesting approval of a non-use variance application to support the replacement of an existing 100 sq. ft. deck at six (6) feet in height that is currently encroaching into the required 25-foot rear building setback by 10 feet resulting in a 15-foot rear building setback (see “Attachment #1_Project Statement”). According to the Pikes Peak Regional Building Department’s building permit records, a permit has not been acquired for the existing deck. However, while a permit does not exist for the deck, the presence of an elevated sliding glass door on the home’s west elevation indicates that a deck was established at the time of the home’s construction and that a deck has always been intended for this location. As a result, the property owner is required to obtain a non-use variance entitlement to allow for a 15-foot rear building setback where 25-feet is required and replace the existing deck (see “Attachment #2_Site Plan”).

Application Review Criteria

UDC Section 7.5.526.E Non-use Variance Review Criteria

1. *The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards).*

   No use-specific standards exist in UDC 7.3.3 for residential decks.

2. *The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district.*

   The primary dwelling unit was built about 25 feet from the rear property line limiting the ability for the property owner to utilize their backyard in the same manner as other properties in the same subdivision where homes were setback from the rear property line enough to allow for amenities such as a deck to be built. In addition, the grade on the property has caused the rear access of this ranch style home through the existing sliding glass door to be elevated by about six (6) feet from grade. Due to this, a deck is necessary to provide rear access to the home, where other homes may not be facing this same physical condition.

3. *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.*

As stated, the primary structure was built about 25 feet from the rear property line limiting the ability for the property owner to provide a space for enjoyment of their backyard while also limiting the ability to provide rear access through the existing sliding glass door to the home without encroaching into the required 25-foot rear setback. Absence of relief for a deck on the back side of this home will result in an inability to provide reasonable access to the home.

4. *That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties.*

The granting of this non-use variance application will not have an adverse impact on surrounding properties. While it is assumed that the rear deck has been in place since the construction of the home, the existing deck has been in place long enough for the material to begin decaying without any code enforcement complaints having been placed by surrounding residents. Many homeowners within this subdivision also have deck structures encroaching into rear setbacks giving reason for this proposed deck replacement to have positive compatibility with many of the neighboring properties. Additionally, no opposition was received by City Planning staff from surrounding property owners following public notice. This documented evidence suggests no adverse impact has been occurring from the existing deck, and as such, no adverse impact shall occur with the deck replacement.

After evaluation of the non-use variance application, City Planning staff finds that the application meets the review criteria.

Compliance with Development Standards

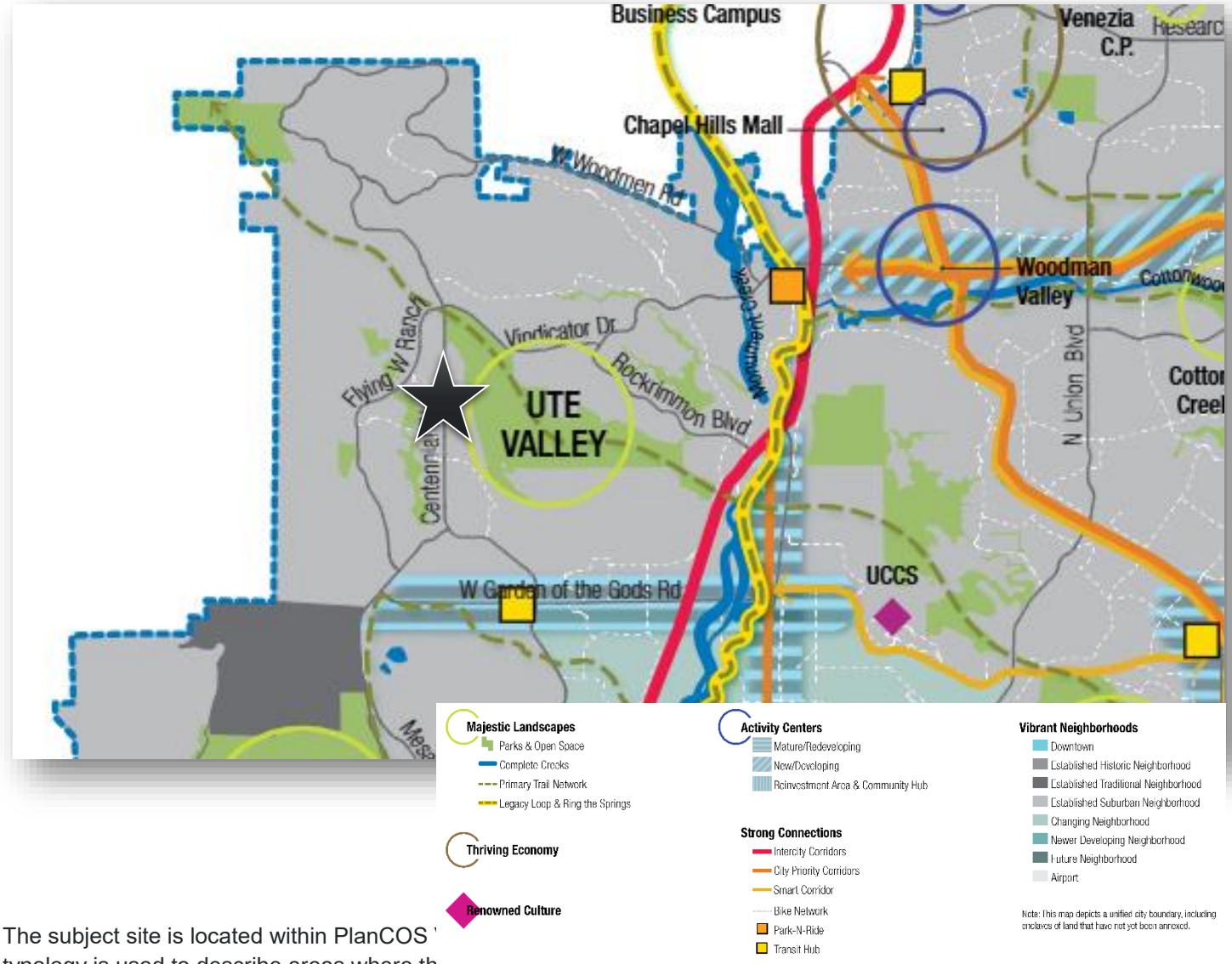
Development Standard	Required	Proposed
Rear Setback	25’	15’
Side Setback	5’	5’
Lot Coverage	30%	26%

Compliance with Relevant Guiding Plans and Overlays

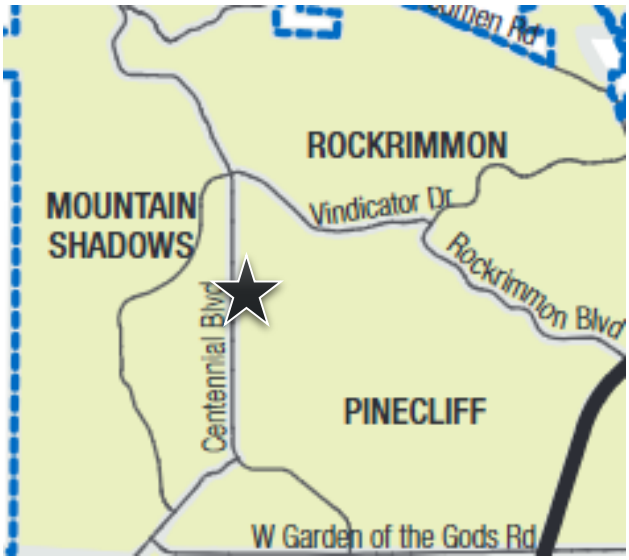
This site is located within the Hillside and Wildland Urban Interface Overlay and the proposed deck replacement does not propose any additional grading or land disturbance beyond the area of the existing deck structure; therefore, this application is not subject to the Hillside Grading and Site Plan criteria and is subject to the International Fire Code upon building permit review. City Planning finds that the proposed deck replacement is in compliance with relevant guiding plans and overlays.

Compliance with PlanCOS

PlanCOS Vision



The subject site is located within PlanCOS ' typology is used to describe areas where thoughtful redevelopment and infill is encouraged to provide continuous support of existing neighborhoods. The proposed conditional use supports PlanCOS through the following policy alignment:



Vibrant Neighborhoods

The subject site exists within an “established suburban neighborhood”. The intent of this typology is to recognize, support, and enhance the existing character of these neighborhoods, while also supporting ongoing investment and improved adaptation. The proposed deck replacement is considered an investment and also correlates with the existing character of the neighborhood the subject site is a part of.

Strategy VN-3.A-7 encourages projects that reflect neighborhood identity and a build environment that supports residents’ quality of life. The replacement of this deck would assist in preserving the value of the subject lot, allow for greater utilization of the property, and support this typology’s **Policy VN-3.A** to preserve the neighborhood’s character.

Statement of Compliance

NVAR-25-0001 – Nonuse Variance

After evaluation of the nonuse variance the application meets the review criteria.