

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

FILE: AR NV 17-00124

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 a 67' rear yard lot width for Lot 1 and a 59' rear yard lot width for Lot 2 where 100' 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
Due to the lot configuration that is similar to a pie shape instead of a rectangular the lot width at the front setback line of the property is able to be met, but the lot width at the rear setback line where the lot narrows is not able to be met. City Code requires that the lot width be met at both the front and rear setback lines. Both properties exceed the 100' lot width minimum at the front setback line. In addition, the northern portion of the property has a very steep slope. The preliminary and final plat documents required that the steep slope be placed in a preservation easement. The lot is also limited to a 15% lot coverage that will limit the size of the home. The lot shape and the steep slopes provide the exceptional or extraordinary conditions for the site.

2. 7.5.802 (B.2) No Reasonable Use of Property Met
Without the granting of the variance, due to the unique physical conditions of lot shape and topography, the property owner would not be able to use their property with the same reasonable use as surrounding properties. The majority of the surrounding properties have lot shapes that are rectangular in shape allowing the properties to meet the lot width requirement at the front setback and rear setback lines.

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

Zonna 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.