

28 POLO LLC DEVELOPMENT

Proposed Development: Subdivide 28 Polo Drive (38,460 sq ft) into two (2) equal lots (19,230 sq ft)(see Polaris Surveying's Preliminary Plat and Final Plat). Demolish existing home (3,260 sq ft) , 2 car garage (570 sq ft) and a utility shed (100 sq ft) (see MVE Final Drainage Report) for a total of 3,930 sq ft (footprint). The west lot would have a preservation area on the northwest corner of the lot encompassing the slope (see Polaris Surveying's Topography Plat) and a deed restriction of 15% lot coverage for new home construction and the east lot would have a deed restriction of 15% lot coverage for new home construction. The west lot would have ingress/egress from Polo Circle and the east lot would have ingress/egress from Polo Drive. Each lot (19,230 sq ft) would be approximately 4,000 sq ft larger than 75% of the surrounding lots (see list below, infra). The proposed new home construction living area (2 story) on the east lot would be in a range of 2,800 sq ft approximately 1,200 sq ft on the main level and 1,600 sq ft on the second level with a footprint size (living area plus 2 car garage) of approximately 1,800 sq ft or less than 10% lot coverage ...this size of new home is consistent with existing homes in the neighborhood (see list below, infra). The west lot could accommodate a ranch with a 3 car garage with a footprint of 2,500 sq ft or 13% lot coverage, again, consistent with existing home in the neighborhood.

Administrative Relief (<15%) - one (1) for each lot:

Lot Size (19,230 (see Polaris Survey) sq ft v. 20,000 sq ft = 96.15% or 3.85% variance):

1. The strict application of the regulation is unreasonable because each subdivided lot would be 19,230 sq ft which is approximately 4,000 sq ft larger than a majority of the surrounding lots (see list below, infra), i.e., the development would be in harmony with the surrounding neighborhood.
2. The intent of the Zoning Code is preserved because the lot sizes would not be out of character for the surrounding neighborhood (see above, supra) based upon an objective standard.
3. The granting of the administrative relief will not result in an adverse impact on the surrounding properties because based upon an objective standard there is no impact on soils or drainage if two (2) new houses are constructed (1) per lot (see ENTECH ENGINEERING's Geo-Hazard report & MVE's Drainage Report).
4. The granting of the administrative relief will result in one (1) single family residence per subdivided lot which is in harmony with the surrounding neighborhood; however, it appears that this element of the Administrative Relied Criteria bars this variance type because the original lot will have two (2) single family residences not one (1) as originally platted. Therefore, the lot size is addressed as a nonuse variance (see nonuse variance below, infra).

Nonuse Variance (>15%) - Two (2) for each lot: Lot Size and Lot Width

Lot Size (19,230 (see Polaris Survey) sq ft v. 20,000 sq ft = 96.15% or 3.85% variance):

1. a. The lot is on the corner of Polo Circle and Polo Drive which is the west side of Polo Drive with a slope to the northwest. At 38,460 sq ft, it is two to three times larger than the majority of surrounding lots (see list below, infra).

b. The lot has unique shape which would easily accommodate two (2) single family residences (see Polaris Survey's preliminary plat with estimated building envelopes) because it a wide frontage corner lot with ingress/egress on Polo Circle and Polo Drive which allows for separate homes to be built on a relatively flat area both with walkout lower levels. It should be noted that the combined foot print size of both proposed homes would be approximately equal to the existing structures (aggregate proposed foot print: $1,600 + 2,500 = 4,100$ sq ft v. existing: 3,930).

c & d. The slope on the northwest corner of the lot is a unique physical condition which may have triggered its odd shape. 28 Polo LLC would be willing to make this area a preservation area on the subdivided lot on the west side (see Polaris Survey's topography plat).

2. a. not applicable.

b. The neighborhood standard of less than reasonable use for other odd shape lots that do not meet the minimum 20,000 sq ft standard is fact (see list below, infra); therefore, by comparison the subdivided lots would not be out of character for the surrounding proximate or similar properties.

c. d. & e. not applicable.

3. a. The granting of the variance will not be detrimental to public health, safety and welfare or injurious to surrounding properties per Geo-Hazard and Drainage Reports.

b. It appears that other variance of this nature have been granted by the City.

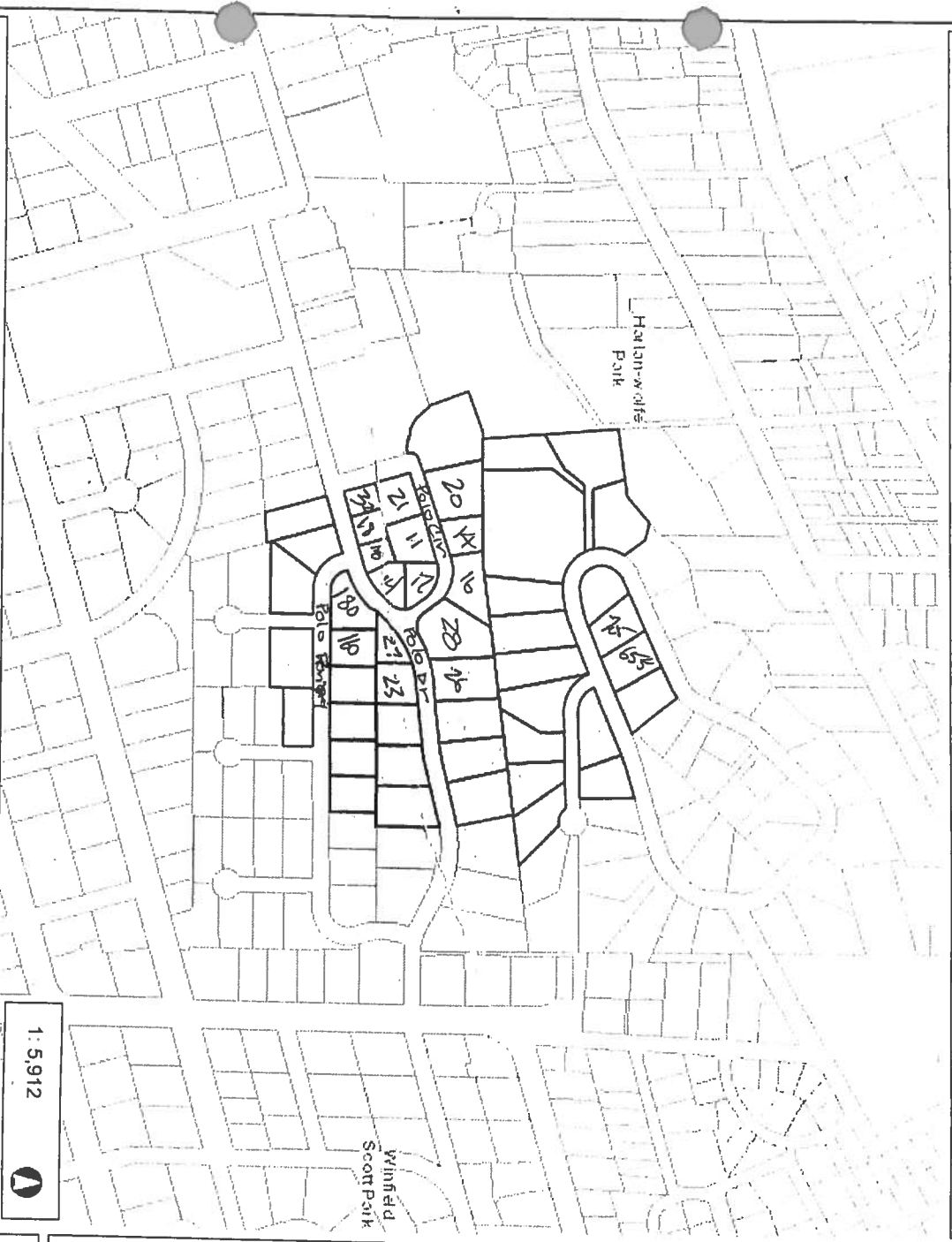
c. The granting of the variance does not weaken the general purpose of the Zoning Ordinance because it appears variance was created, as in this case, to address nonstandard situations (the size of the lot) and to address the highest and best use of the land while being consistent with the neighborhood.

d. 28 Polo LLC would be willing to restrict the lot coverage to 15% percent for each subdivided lot to afford reasonable use of each subdivided lot and to preserve the ambience of the neighborhood.

NEIGHBORHOOD SURROUNDING PROPERTIES

Address	Total Living Area sq ft	Lot Size sq ft	(source: El Paso County Assessor)
27 Polo Drive	1 story ranch 1,228	14,000	
14 Polo Drive	1 story ranch 2,387	14,000	
17 Polo Circle	1 1/2 story 2,897	14,500	
16 Polo Circle	2 story 2,998	24,500	
14 Polo Circle	1 story ranch 1,994	15,600	
16 Polo Drive	2 story 2,134	11,000	
18 Polo Drive	1 story ranch 1,836	11,685	
32 Polo Drive	1 story ranch 2,054	10,373	
20 Polo Circle	1 1/2 story 4,179	29,500	
11 Polo Circle	1 story ranch 1,772	20,304	
21 Polo Circle	1 story ranch 3,154	20,338	
23 Polo Drive	1 story ranch 2,721	20,200	
19 Polo Drive	1 story ranch 1,579	19,744	
29 Polo Drive	2 story 2,977	21,780	
26 Polo Drive	2 story 3,672	31,382	
160 Polo Pony	1 story ranch 2,304	20,038	
705 N Bear Paw Ln	1 story 3,352	23,522	
655 N Bear Paw Ln	1 story 2,812	24,829	

Note: See attached area plat/ map for property locations and shapes

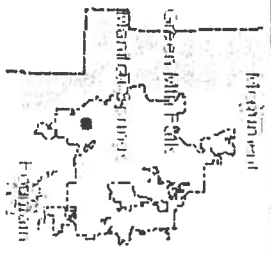


985.3 0 492.67 985.3 Feet

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1:5,912



- Legend**
- Parcels
 - National Forest
 - Parks
 - Military
 - Towns
 - County Boundary

Notes

FIGURE 4

Nonuse Variance (>15%) - Two (2) for each lot: Lot Size and Lot Width

Lot Width at the north side of each subdivided lot is less than 85 feet (see survey) which is greater than 15%:

1. a. The lot is on the corner of Polo Circle and Polo Drive which is the west side of Polo Drive with a slope to the north west which appears to have part of the reason the lot was platted in an odd shape (see Polaris Survey)... the majority of the lots in the neighborhood are on relatively flat topography and are not corner lots.

b. The lot has unique shape which does not allow for each subdivided lot to be a 100 foot wide the entire length of the lot,i.e. each subdivided lot is wider than 100 feet on the south side and narrower than 100 feet on the north side (see Polaris Survey).

c & d. The slope on the northwest corner of the lot is a unique physical condition which may have triggered its odd shape (see Polaris Topography). 28 Polo LLC would be willing to make this area a preservation area on the subdivided lot on the west side (see Polaris Topography).

2. a. The slope on the lot appears to be reason for the odd shape which in turn triggers a subdivided lot width less than 100 feet on the north side, but for the shape of the lot, the 100 foot width requirement could have been easy met (see Polaris Survey).

b. The neighborhood standard of less than reasonable use for other odd shape lots that do not meet the 100 foot width requirement has been well established (see attached map/plat); therefore, by comparison the subdivided lots would not be out of character for the surrounding proximate or similar properties

c. d. & e. not applicable.

3. a. The granting of the variance will not be detrimental to public health, safety and welfare or injurious to surrounding properties per Geo-Hazard and Drainage Reports.

b. It appears that other variance of this nature have been granted by the City.

c. The granting of the variance does not weaken the general purpose of the Zoning Ordinance because it appears variance was created, as in this case, to address nonstandard situations (the shape of the lot) and to address the highest and best use of the land while being consistent with the neighborhood.

d. 28 Polo LLC would be willing to restrict the lot coverage to 15% percent for each subdivided lot to afford reasonable use of each subdivided lot and to preserve the ambience of the neighborhood.