

**Quick Facts**

**Applicant**

Charles Farrell – Fortified Solutions

**Property Owner**

John Delago

**Developer**

John Delago

**Address / Location**

2312 W Pikes Peak Avenue

**TSN(s)**

7411222019

**Zoning and Overlays**

R-2 (Two-family Residential)

**Site Area**

3,900 square feet

**Proposed Land Use**

Single-family residence

**Applicable Code**

UDC

**Project Summary**

3 Nonuse Variance requests to accommodate a new basement and second-story addition to the existing single-story residence. The first variance request is to allow a 1'2" side yard setback where 3'3" is required based on the site's proven lot of record status and the reductions allowed in City Code section 7.5.80z.A.2. The second variance request is to allow a 6.75' front setback where 10' is typically required. And the third variance request is to allow a 6" eave setback where 2' is required.

<u>File Number</u>	<u>Application Type</u>	<u>Decision Type</u>
NVAR-23-0055	Nonuse Variance	Quasi-Judicial
NVAR-23-0056	Nonuse Variance	Quasi-Judicial
NVAR-23-0060	Nonuse Variance	Quasi-Judicial

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Colorado City & Vicinity	1917
Subdivision	Colorado City	1873
Master Plan	Westside Master Plan	1979
Prior Enforcement Action	NA	NA

### Site History

The existing single-story residence was built in 1899 and was part of the Colorado City subdivision. A Waiver of Replat was submitted in conjunction with the nonuse variance requests and was administratively approved on January 4, 2024.

### Applicable Code

The subject applications were submitted after the implementation date (06/05/2023) of the ReTool project, and as such, the applicant is required to comply with the standards set forth in the Unified Development Code. 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

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	R-2 (Two-family Residential)	Single-family Residence	NA
West	R-2 (Two-family Residential)	Single-family Residence	NA
South	MX-M/R-2 (Mixed-Use Medium Scale/Two-family Residential)	Parking Lot, mixed-use commercial center	NA
East	R-2 (Two-family Residential)	Single-family Residence	NA

## Zoning Map



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences  
(Poster / Postcards)

Internal Review / Planning Commission Public Hearing

Postcard Mailing Radius

1000'

Number of Postcards Mailed

372 postcards

Number of Comments Received

2

### Public Engagement

No neighborhood meeting was held.

1 public comment was received related to the nonuse variance for a 1'2" side setback. The comment raised concerns over maintaining the west side of the house where the narrow 1'2" side setback is proposed. An additional public comment in support of the project was also provided.

## Timeline of Review

Initial Submittal Date	October 12, 2023
Number of Review Cycles	2
Item(s) Ready for Agenda	December 27, 2023

## Agency Review

### Traffic Impact Study

A Traffic Impact Study is not required for the nonuse variance requests.

### School District

No comments received.

### Parks

No comments received.

### SWENT

SWENT requirements do not apply to single-family residential projects.

### Colorado Springs Utilities

All comments have been addressed.

## Nonuse Variance – Front Yard Setback – NVAR-23-0055

### Summary of Application

The applicant is requesting approval of a nonuse variance to City Code section 7.2.205.B of the UDC to allow a 6'9" front setback where 10' is typically required in the R-2 zone district. The reduced front setback would accommodate a modified front porch. The existing front porch, built along with the home in 1899, is currently 6'9" from the front property line and approximately 130 square feet in size. With this remodel, the applicant is proposing to reduce the size of the front porch to 40 square feet while maintaining the historic 6'9" front setback.

### Application Review Criteria

#### UDC Code Section 7.5.526.E

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

*There are no use specific standards that are applicable to this project.*

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

*Many of the homes in this area have porches that project into the front setback and the proposed basement addition will result in a smaller, but elevated, front porch that maintains an identical separation from the front property line as is present today.*

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;

*All the residences along the same block have a porch on the front of their residence which was consistent with the architectural patterns of late 1800s and early 1900s development. The existing front porches on the surrounding*

*properties are also within the current 10' front setback requirement. Without the granting of this variance, the applicant would have less reasonable use of their property than surrounding residences because a front porch could not be accommodated. Because of this, the site would not be consistent with the historic nature of the other properties.*

4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties;  
*Due to the reduction in size and the intent to maintain the existing setback, Staff finds that this will not impose an adverse impact to the surrounding neighborhood.*

After evaluation of the Nonuse Variance for the front yard setback the application meets the review criteria.

## Nonuse Variance – Side Yard Setback – NVAR-23-0056

### Summary of Application

The applicant is requesting approval of a nonuse variance to City Code section 7.2.205.B of the UDC to allow a 1'2" side setback on the west side of the site where 3'3" is typically required based on the site's narrow width and proven lot of record status. City Code section 7.5.802.A.2 allows for reduced side setbacks at sites with these conditions. This site is considered a narrow lot because of its width of 37.5' where 50' is currently required. Standard lots in the R-2 (Two-family residential) zone district are subject to a 5' side setback. The existing single-story residence is 11" from the west side property line, the proposed additions will increase the west side setback to 1'2".

### Application Review Criteria

#### UDC Code Section 7.5.526.E

1. The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards);  
*There are no use specific standards that are applicable to this project.*
2. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district;  
*The existing residence is located on a 3,900 square foot lot that is 37.5' wide in the R-2 (two-family residential) zone district. This zone district requires 5,000 square feet of lot size and 50' of lot width based on current zoning standards. The applicant provided documentation that this site is a legal lot of record meaning that this lot has been in its current configuration since prior to the establishment of subdivision standards set forth in 1951. Of the 10 other homes on the same block face, 7 have substandard lot sizes and widths and subsequently reduced setbacks from property lines. This lot is generally consistent with the residential lots in the immediate surrounding area.*
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;  
*The Unified Development Code considers these narrow lots of record within the historic neighborhoods of our city by including a provision that allows for reduced setbacks where lot of record status is met. In this instance, the lot would qualify for a 3'3" side setback where 5' would typically be required. Based on the scope of the proposal to completely remove the existing foundation and excavate a full basement, paired with the existing 9'11" side setback on the east side of the home, Staff finds that the site would have reasonable use of their property and potential development alternatives without the granting of the side setback variance.*
4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties;  
*The proposed 3,300 square foot residence will exceed the average single-family home size of 1,484 square feet on the same block face by 1,816 square feet. Based on the scope of changes including the substantial increase in gross square footage and building height, it could be concluded that an adverse impact on surrounding properties may occur.*

After evaluation of the Nonuse Variance for the side yard setback the application does not meet the review criteria. Staff finds that an increase in the side yard setback is necessary, and that narrow lot of record setbacks would allow for a 3'3" side setback.

## **Summary of Application**

The applicant is requesting approval of a nonuse variance to City Code section 7.4.203.A of the UDC to allow a 6" roof eave setback where 2' is required. The existing roof eave appears to be within 6" of the existing west side property line. The proposed roof eave would project 8" from the outer wall of the home and maintain a 6" setback from the west property line.

## **Application Review Criteria**

### **UDC Code Section 7.5.526.E**

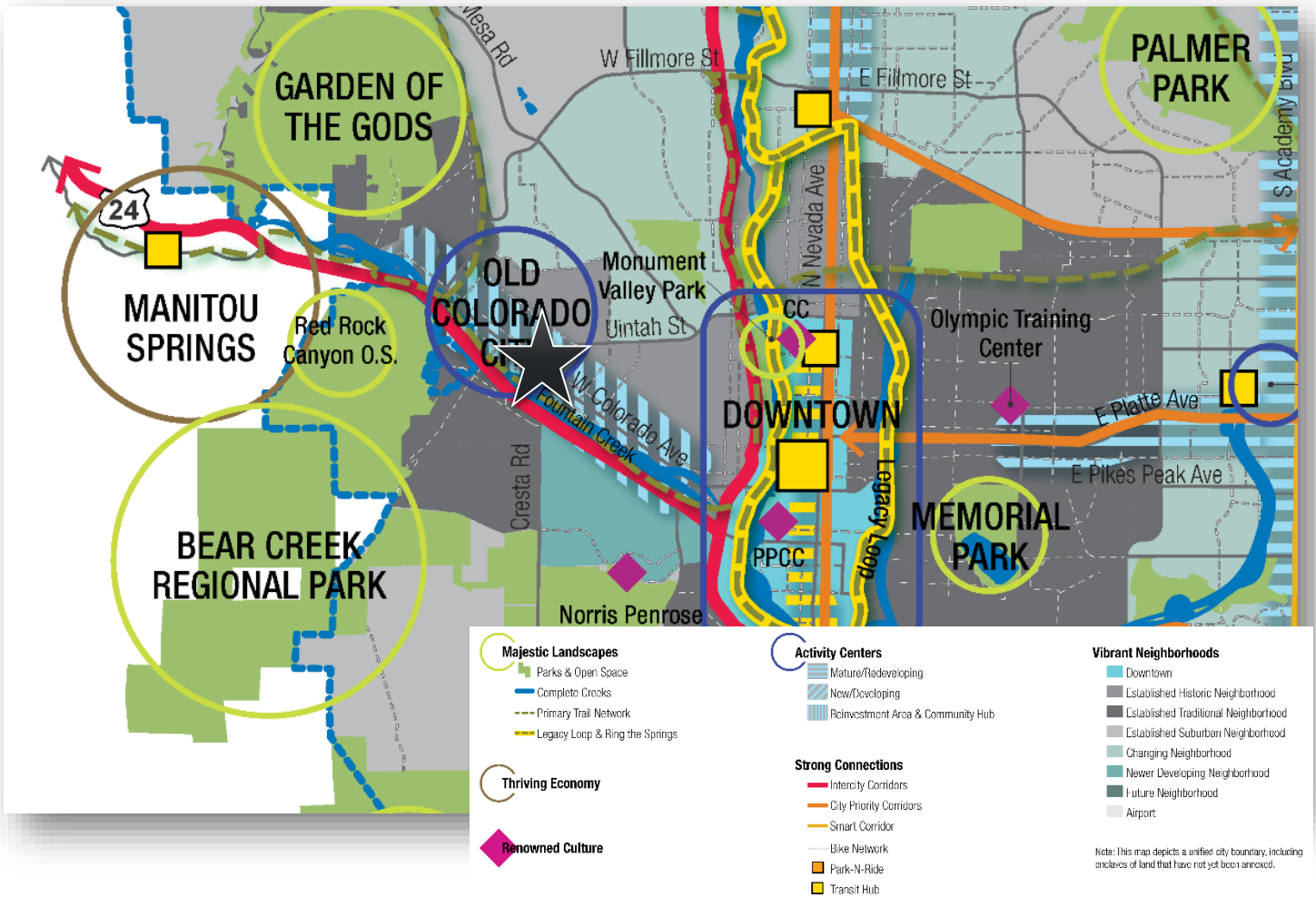
1. The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards);  
***There are no use specific standards that are applicable to this project.***
2. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district;  
***The existing residence is located on a 37'5' wide lot in the R-2 (two-family residential) zone district. This zone district requires 50' feet of width based on current zoning standards. The applicant provided documentation that this site is a legal lot of record meaning that this lot has been in its current configuration since prior to the establishment of subdivision standards set forth in 1951. Of the 10 other homes on the same block face, 7 have substandard lot sizes and widths and subsequently reduced setbacks from property lines. This site is generally consistent with the residential lots in the immediate surrounding area.***
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;  
***The Unified Development Code considers these narrow lots of record within the historic neighborhoods of our city by including a provision that allows for reduced setbacks where lot of record status can be met. In this instance, the lot would qualify for a 3'3" side setback where 5' would generally be required. A roof eave could be accommodated on a residence with this reduced setback because code allows for roof eaves to project into the side setback if a 2' roof eave setback is retained.***
4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties;  
***The proposed 3,300 square foot residence will exceed the average single-family home size of 1,484 square feet on the same block face by 1,816 square feet based on County Assessor's records. Based on the scope of changes including the substantial increase in gross square footage and building height, it could be concluded that an adverse impact on surrounding properties may occur.***

After evaluation of the Nonuse Variance for the eave projection setback the application does not meet the review criteria. Staff believes that an increase in the side yard setback for the primary structure is necessary and that roof eave could be accommodated without the need for an application for relief.

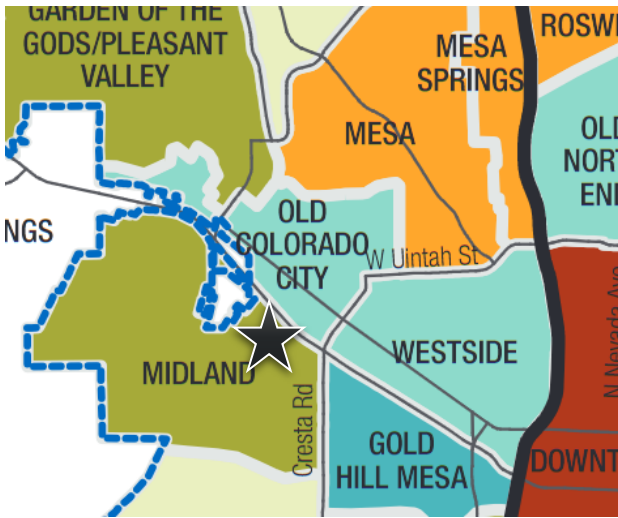
## **Compliance with Relevant Guiding Plans and Overlays**

The Westside plan illustrates the intended land use for this area to be low density residential with 0-10 dwelling units per acre. The proposed application will not modify the existing density as it proposes to maintain a single-family use. Additional goals set forth in the Westside plan emphasize the importance of preserving existing, viable residential land uses to maintain a stock of affordable housing options. It also describes the importance of encouraging private reinvestment in the existing residential neighborhoods. With modifications to the scope, staff believes that this proposal is in conformity with the Westside Plan.

PlanCOS Vision



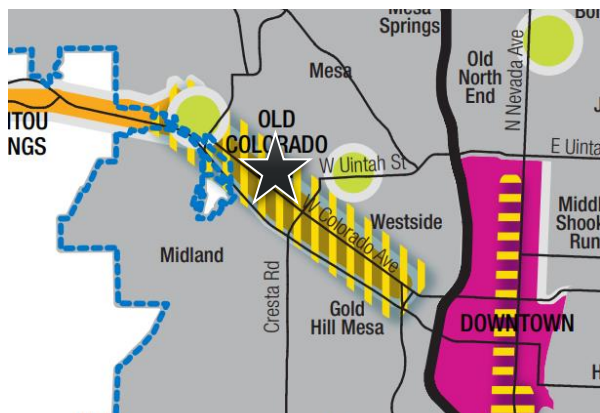
The proposed nonuse variance applications have been evaluated for conformance with the City’s current comprehensive plan (herein referred to as “PlanCOS”), adopted in January 2019. According to PlanCOS, the project site is within an “Established Historic Neighborhood” and is within a “Reinvestment area and Community Hub” activity center that captures Old Colorado City and its immediate surrounding neighborhoods. This neighborhood typology aims to “have an especially high value for preserving the legacy of existing design and architecture, although they may have to experience some amount of change especially in areas of transition with less historic uses”. Additionally, “new development and/or redevelopment should incorporate elements of the existing neighborhoods”. Established Neighborhoods are predominately built-out but should expect some degree of infill and redevelopment



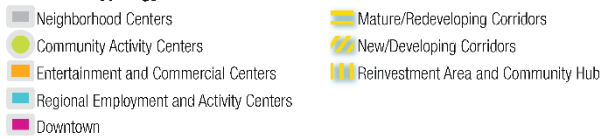
### Vibrant Neighborhoods

- Strategy VN-2.A-3: Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels

#### Predominant Typology



#### Predominant Typology



### Unique Places

- Strategy UP-2.A-4: Actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment.



## Statement of Compliance

### **NVAR-23-0055**

After evaluation of the Nonuse Variance for the front setback the application meets the review criteria.

### **NVAR-23-0056**

After evaluation of the Nonuse Variance for the side setback the application does not meet the review criteria.

### **NVAR-23-0060**

After evaluation of the Nonuse Variance for the eave projection setback the application does not meet the review criteria.