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

FILE: AR NV 17-00123 DECISION DATE: JUNE 5, 2017

<u>INFORMATION</u>

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 two 19,230 square foot lots where 20,000 square feet is required it 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
1. 7.5.802 (B.1) Exceptional or Extraordinary Conditions

CRITERIA MET OR NOT MET

Met

The property shape is more similar to a pie shape instead of a rectangular shape. The majority of the surrounding properties exhibit a typical rectangular shape lot. In addition, the property has a steep slope on the north side of the property. The applicant has placed a preservation area over the steep slope on the property in order to protect the slope. In addition, the applicant has limited the lot coverage for the lots to 15% to help limit the impact on surrounding properties. Therefore, the properties shape and topography provide exceptional or extraordinary physical conditions to the site.

2. 7.5.802 (B.2) No Reasonable Use of Property Met

The applicant is requesting a 3.85% reduction in lot size for each of the two lots. An analysis of the surrounding properties shows that the properties range in lot size from 14,000 square feet to 31,000 square feet. Seven of the nearby properties do not meet the 20,000 square foot requirement for the R zone district. The neighborhood standard that exists with the lots ranging in size from 14,000 square feet to 31,000 square feet demonstrates a less reasonable use for this property.

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.

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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.

# 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 it 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

Met

1. 7.5.802 (B.1) Exceptional or Extraordinary Conditions 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 with requirement at the front setback and rear setback lines.

3. 7.5.802 (B.3)

No Adverse Impact to Surrounding Property

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.

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.