



Legislation Text

File #: CPC AP 20-00147, **Version:** 3

Acknowledgment of a withdrawal of an appeal of the Planning Commission's decision to uphold a Notice and Order to Abate for violation of a carport in the 25-foot front yard setback located at 4975 North Nolte Drive

Quasi-Judicial

Presenter:

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development
Peter Wysocki, Director of Planning and Community Development

Summary:

Owner: GAYTON DENNIS A, COOK COLETTE C
Appellant: GAYTON DENNIS A, COOK COLETTE C
Location: 4975 NORTH NOLTE DRIVE

Update:

Ms. Cook was granted a reasonable accommodation for the carport as constructed and currently located on her property at 4975 North Nolte Drive. This accommodation was granted pursuant to provisions under the purview of the American with Disabilities Act. The accommodation was issued by Mr. Robert Hernandez, City of Colorado Springs Title II ADA Manager and shall be in full force and effect until the property is no longer owned by Ms. Cook or the accommodation is no longer necessary.

Granting the ADA accommodation for the carport resolved the Notice and Order to Abate and the appeal is no longer necessary. The acknowledgment of the withdrawal of the appeal is to officially close-out the item off the City Council agenda.

Below is a background information regarding this issue.

Background:

An appeal application was initially filed to appeal the City Planning Commission's decision to uphold the Notice and Order to Abate for violation of a carport (Accessory Structure) within the 25-foot front yard setback. The property is zoned PUD. Pursuant to the Development Plan the front yard setback is 18 and 25-feet. In addition, Section 7.3.105(A)(1)(a) indicates that accessory structures are not permitted within the front setback, regardless of size or height.

On September 25, 2020, an anonymous complaint ("*a car port in drive way that is not allowed in colorado city limits. needs to be removed*") was made about a carport located within the front setback, on Nolte Dr. After inspection and confirming that the location of the carport was a violation of both City of Colorado Springs Zoning Code Section 7.3.104, which outlines residential setbacks, and

Section 7.3.105(A)(1)(a), which precludes Accessory Structures of any size or height from being located in the front setback. On September 30, 2020 Neighborhood Services issued a Notice and Order to abate for the carport being within the 25-foot front yard setback.

7.2.201. ACCESSORY STRUCTURE: A structure that is located on the same lot and detached and separate from the principal building. Accessory structures shall be incidental to the principal structure and devoted exclusively to an accessory use. Examples of accessory structures may include, but are not limited to: garages, carports, sheds, storage buildings, play structures, gazebos, arbors, greenhouses, barns, saunas, and other similar buildings. Fences and walls that exceed six feet (6') in height are considered accessory structures

After issuance of the Notice and Order, Neighborhood Services did not receive a response from the owner and upon inspection on October 21, 2020, the carport was still located both within the front setback and City Right-of-Way. On October 28, 2020 the owner filed an appeal to the City Planning Commission for the Notice and Order.

On November 19, 2020 the City Planning Commission heard the appeal and upheld the Notice and Order. The City Planning Commission required that the carport be removed either in 30 days or by December 19, 2020. On November 30, 2020 the owner filed an appeal of the City Planning Commission's decision. In the appeal the owner stated, "*This denial is unreasonable as it is only targeting 3 property owners in this neighborhood at this time. There are more than 60 carports and thousands across the City. There is no benefit for denying the initial appeal.*" The appellants full appeal letter is attached to this Council memo.

Previous Council Action:

N/A

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

On November 19, 2020 the City Planning Commission voted unanimously to uphold the Notice and Order and required the carport either be removed in 30 days or by December 19, 2020.

Stakeholder Process:

N/A

Alternatives:

N/A

Proposed Motion:

Acknowledge the withdrawal of an appeal of the Planning Commission's decision to uphold a Notice and Order to Abate for violation of a carport in the 25-foot front yard setback located at 4975 North Nolte Drive

N/A