

City of Colorado Springs
Ann Odom, Planner II
Development Review Enterprise
Non-Use Variance Request (Eave Projection Setback)
2312 W Pikes Peak Ave (Schedule No. 7411222019)

Project Statement

The subject of this proposed residential redevelopment is that of the existing, late 1800s single-family dwelling at Mr. John DeLago's 2312 W Pikes Peak Avenue property, located at the heart of Old Colorado City. The owner seeks to take pride in his community and bring enhancement to his beloved neighborhood through his direct investment into the quality, beauty, functionality, and safety of his West-side residential properties.

For the subject parcel, the primary aim of the initial considerations to improve the existing dwelling was the long-term preservation of the structure through significant foundation repair efforts due to structural concerns thought to be common in some West side areas. Second to that was the updating and beautification of the main floor layout via a limited remodel. However, realizing the extent of excavation depths and costs needed to repair the foundation, the possibility of a full basement addition then seemed to make better logistical and investment sense. Soon after, our team discovered a nearby, approved project in the vicinity with a similar scope that helped serve as real-life inspiration as to what was possible in this region.

Furthermore, the Owner wished to maximize the existing dwelling all the more through the inclusion of a second story addition, as well as an update to the appearance of the front porch and a mudroom-entry addition at the rear of the property. Therefore, the total scope of work has resulted in the following:

1. *Basement Addition* — Encompasses the existing footprint and new Mudroom addition. Includes a completely new, engineered foundation.

2. *Second Story Addition* — Stationed atop the majority of the existing footprint. Includes stair access from within the main level.
3. *Mud Room Addition* — A modern functionality feature for rear entry providing shared-access to the basement and main level. Includes a small attached deck.
4. *Front Porch Reduction* — Redesign of the front porch approach and appearance. Includes concrete steps with railing to the front entry with a covering overhead.
5. *Main Level Remodel* — Updated layout and accommodations for the main floor.
6. *Detached Garage Demolition* — Demolish small detached garage at rear of lot.

Now, this application is submitted to the regional zoning authority having jurisdiction, i.e., the City of Colorado Springs and its Planning & Community Development Department, for a Non-Use Variance. **The Non-Use Variance request is to allow a 6-Inch Eave Projection Setback (West Side Only) where a 24-Inch Eave Projection Setback is allowed per City Code 7.4.203.A, Table 7.4.2-E.**

On behalf of our client, local owner and private developer, Mr. John DeLago, this office humbly requests that the City, its Planning Department, and the Planning Commission give full consideration to the justifications presented herein, and that should the justifications herein please the reviewing staff by satisfying the review criteria, a favorable approval of this non-use variance be granted.

Review Criteria

1. The application **complies with any standards for the use in Part 7.3.3** (Use-Specific Standards). The lot is zoned R-2; however, due to the lot size (3,900 SF) an ADU or a Duplex is currently precluded (requires a 5,000 SF or 7,000 SF lot size, respectively, in most cases). Therefore, this project is designed to conform to a single-family use.

2. The property has **Extraordinary and Exceptional Physical Conditions** in that it has unique physical conditions both with respect to the size and/or shape of its lot as well as to the size and/or location of existing structures, neither of which are self-imposed.

This R-2 zoned lot is said to have an approximately 37.5' property width where the UDC requires a 50' lot width for this zone. While some neighboring properties share a what appears to be near similar width, others appear to fully well conform to or exceed the minimum lot width providing adequate side yard to meet setback requirements.

While this R-2 zone in question requires an eave projection setback of 24-inches (or 2-feet) from the property lines, the principal structure, i.e., the single-family dwelling, was built in 1899 – long before the zoning setback standards of 1951 were in place. Many properties in the neighborhood house similar structures perhaps inconsistent with these later zoning standards – some even *negatively* transgressing the side yard setback into another property's space.

Such is likely the case with the *existing conditions* of the primary dwelling at 2312 W Pikes Peak Ave, i.e., that its eave projections are likely set back little to none (or worse, negatively) with respect to the West property line. However, the *proposed* remodeling work would be designed to *provide and/or improve* these existing conditions from what is likely an existing eave that probably transgresses the property West property line in at least one area to instead introduce an eave projection that is setback 6" entirely from the West property line.

In addition to the principal dwelling, the property has an additional structure, namely, a detached garage at the rear of the lot near the alley. This garage also encroaches upon the 24" eave projection setback requirement, but in a way that is as much or even more excessive than that of the existing principal structure's eave projection setback. The proposed scope of work will seek to completely do away with the detached garage altogether – with its nearly 0" (or worse, negative) eave projection setback – via demolition.

Therefore, in two ways will this proposed project be, in fact, *improving* the existing conditions of this property's structures and their negative impacts on zoning standards due to their pre-existing parameters. The first by providing an actual eave projection setback from the West property line to the principal structure's eaves where there is little

to none currently. The second will be by removing altogether via demolition an accessory structure which exhibits eave projections that have little to no setback to the West property line either.

Although the location of this late 1800s house was not self-imposed, the proposed remodel/addition to the existing dwelling will seek to drastically improve (by at least 6-inches) the eave projections of the primary dwelling which is to be remodeled, and the following improvements will not diminish the dwelling's eave projection setback anywhere else nor any less than it is now: the basement addition, second story addition, mudroom addition, and front porch modification.

3. In the absence of relief, the extraordinary and exceptional physical conditions would **Not Allow a Reasonable Use of the Property**. As stated above, the existing, unique physical conditions of the property including its lot size and/or shape and the size and/or location of existing structures are not self-imposed, but pre-existent and reportedly dating back, at the very least, prior to the 1951 City Code adaptation. The proposed redevelopment does not further impact the eave projection setbacks any further than it exists now, but rather provides/improves a setback where there is little to none. In the absence of relief, this development project would be prohibited where nearby properties in the same zone district certainly have second story usages and full or partial basement additions, and perhaps modified front porches and/or small additions to the rear of their dwellings.

Moreover, by very fact of the existing house footprint, the vertical wall itself is not more than 24" from the West property line (reference NVAR-23-0056), neither is the proposed structure's vertical wall setback greater than 24" given the predominant remodeling nature of this project. Therefore, it is unreasonable and impossible to have eaves that comply with the 2023 Unified Development Code. Beyond that, eaves typically serve as a time-tested feature which provides protection to a home's critical structural components by diverting water from intrusion, corrosion, etc. to such critical building components. Such critical structural components and the restoration of this home are nearly some of the primary reasons this project is proposed from the very beginning (i.e., a

substantial foundation repair has been deemed necessary for the preservation of this structure, and the project has grown in to the major remodel/addition that it is now for correlated reasons).

Without the granting of this variance to allow for a possibility of eave overhangs, this real reasonable use — and arguably necessary use — of the West side yard would otherwise not be allowed.

To reiterate the matter: The existing eaves project in a way that is nearly on (or perhaps over) the West property line. This proposed project would include a slight improvement to the setback of the vertical wall (thus positively impacting the eave setback) as well as a modification to the eaves in a way that positively impacts the eave setback, providing an actual eave project setback where there is little to none currently.

4. Through careful site planning, architectural and structural detailing both by the project team and the owner — with very intent to preserve historical aesthetic features of this home and surrounding area, there is great confidence that the granting of this variance poses **No Adverse Impact** neither to public health, safety or welfare. As the proposed design is well within the allowable building height requirements, it is for this reason and others that this project is not thought to be injurious to surrounding properties. It is presumed that the granting of this variance poses no inconsistency with adopted City plans (as this is a private land and residence and such is the general use with the neighboring properties). The general purpose of this variance is not to weaken the Zoning Ordinance nor its regulations, but to allow for reasonable use of the property for its occupants not inconsistent with the existing property structures and neighborhood uses.

Thank you for your consideration,

Charles Farrell

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