

## PROJECT STATEMENT

King's Ohana Spa and Pet Hotel is applying for a use-variance to expand their current location into the vacant space of their current building.

Use Variances are not permitted for the below situations. The proposed use-variance **does not** meet these restrictions as described below:

A. Properties that have been subject to a rezoning request at any time in the past eighteen (18) months;

This property has not requested a rezone request in the last 18 months.

B. New construction or development on improved property; or

This is an existing structure where the applicant already occupies a portion of the building.

A use of higher intensity and less restriction than what is permitted in the established zone district of the subject property.

The proposed use-variance is to support an expansion of an existing use, so there will be no intensification of the site.

### Section 7.5. 527 Review Criteria:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the Use Variance would result in undue property loss and not solely a mere inconvenience or financial disadvantage;

The transition to the UDC in June 2023 severely limits the ability of animal-oriented uses to operate within the city where their services are in demand.

2. That the Use Variance is necessary for the preservation and enjoyment of a property right of the and if not approved, the property or structure cannot yield any beneficial use; Without the use-variance, the existing tenant/applicant could not expand their thriving business into unoccupied adjacent tenant spaces and they may have to relocate. Their relocation would result in an absence of services for their current clients, since there is no space nearby that would allow for their usage. This would also add to the current vacant spaces of the building.

3. That the Use Variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property; The proposed use-variance is to support an expansion of an existing business. There have been no complaints or issues with the use on site in its 15+ years of operation. The property owners and other tenants are supportive of this expansion.

4. That the hardship is not the result of the applicant's own actions; The inability to expand the business is due to changes made to the Land Development Code that severely limits the ability of animal-oriented services to operate within the city, where their services are actually needed. Many other animal service providers are in a similar dilemma where their only avenue to establish or expand their business is through a use-variance.

5. That because of these conditions, the application of the UDC prohibition on the requested use on the subject property would effectively prohibit or unreasonably restrict the use of the property; and

The UDC limits animal care facilities to only be permitted in the Agricultural zone and Conditional uses in industrial zones. This limits animal care facilities to places that are inconvenient to their customers and does not allow for the expansion of existing businesses in other zone districts. Colorado Springs is a dog centric community and there is a need for animal care facilities that are close to dog owner's homes and places of employment

6. That the Use Variance is not being requested primarily to avoid the time or expense of complying with UDC standards generally applicable to similar properties and development.

The proposed use-variance is the only application or method available to legally allow for an expansion of the business at the current location. They are asking for this variance in order to meet the demand for services and to expand on the services they offer so they can provide the very best care possible for their client's dogs in a safe environment.