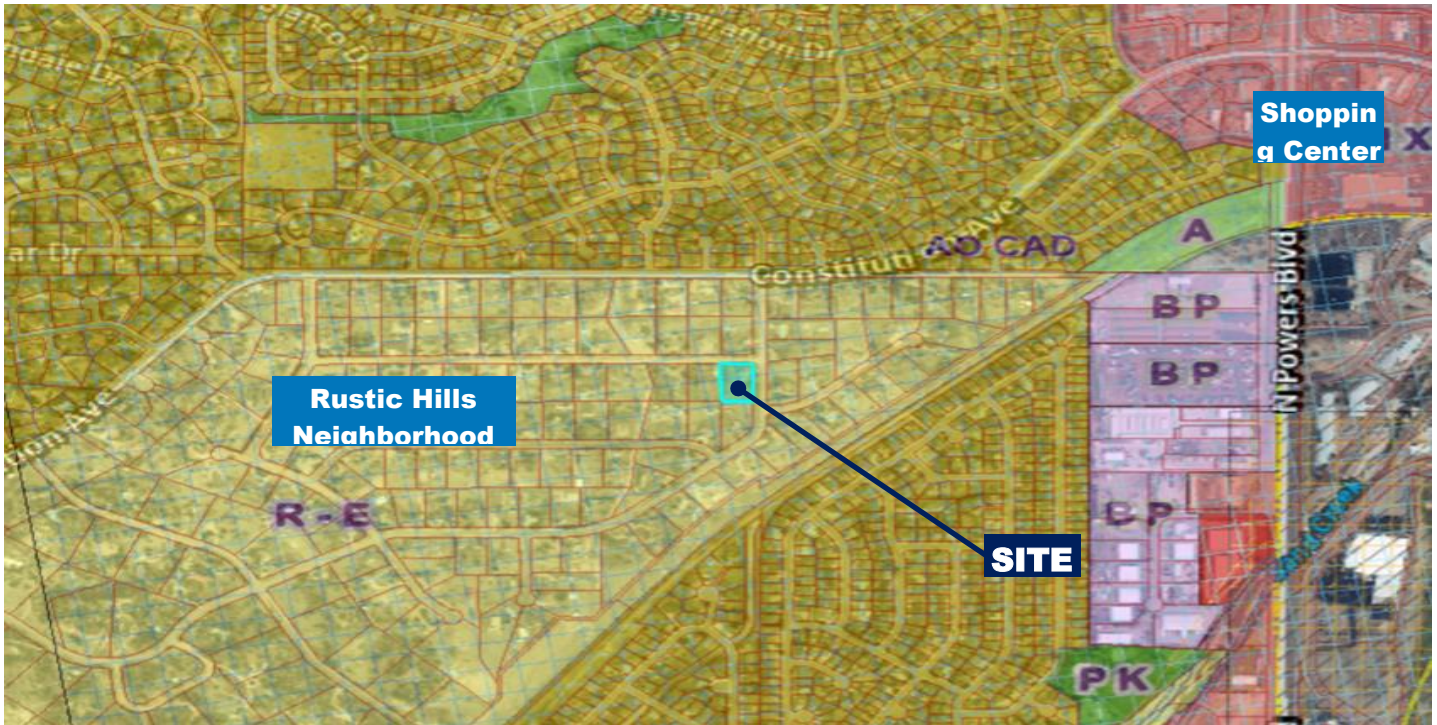


GARAGE ADDITION

Planning Commission February 11, 2026

Staff Report by Case Planner: Matthew Ambuul



Quick Facts

Applicant

Scott Schwartz

Property Owner

Scott Schwartz

Developer

Scott Schwartz

Address / Location

5226 Brady Road

TSN

6401202001

Zoning and Overlays

Current: R-E/AP-O (Residential Estate with Airport Overlay)

Site Area

1 acre

Proposed Land Use

Dwelling, Single-Family Detached

Applicable Code

UDC

Council District

5

Project Summary

A Non-Use Variance to City Code Section 3.3.304.C.1.a to allow 3,296 square feet of total garage space where a maximum of 1,650 square feet is allowed on a 1-acre site zoned R-E/AP-O (Residential Estate with Airport Overlay) located at 5226 Brady Road.

File Number

NVAR-25-0014

Application Type

Non-Use Variance

Decision Type

Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Smartt's Addition #9	December 1, 1963
Subdivision	Rustic Hills Subdivision #2	March 19, 1963
Master Plan	N/A	N/A
Prior Enforcement Action	N/A	N/A

Site History

The site became part of the City of Colorado Springs in 1963 through the Smartt's Addition #9 annexation. The property was later platted as part of the Rustic Hills Subdivision #2 plat on March 19, 1963, establishing this 1-acre lot. The single-family residence at the subject address was built in 1967. This is the first land use application submitted for the property since its development.

Applicable Code

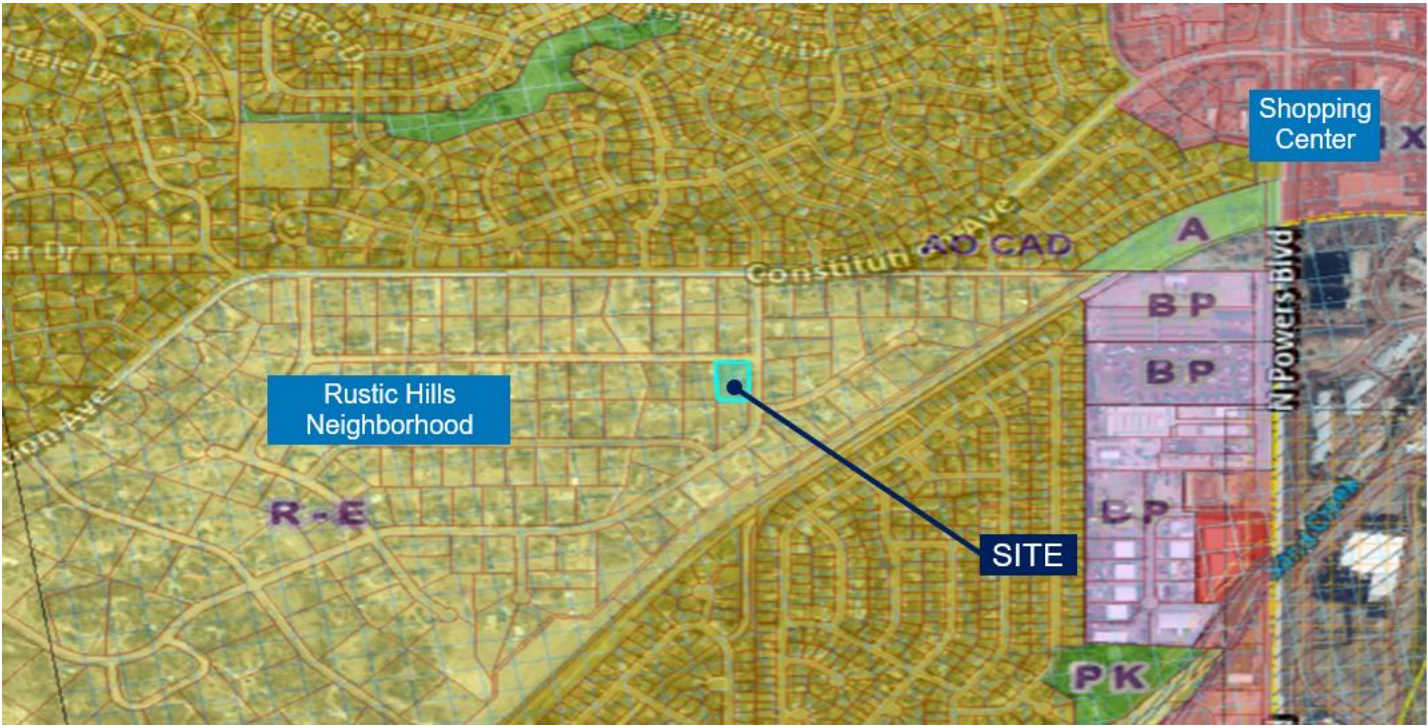
The subject application was submitted after the implementation date (June 5, 2023) of the ReTool project. All subsequent references within this report that are made to "the Code" and related sections are references to the Unified Development Code (UDC).

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	R-E/AP-O (Residential Estate with Airport Overlay)	Dwelling, Single-Family detached	N/A
West	R-E/AP-O (Residential Estate with Airport Overlay)	Dwelling, Single-Family detached	N/A
South	R-E/AP-O (Residential Estate with Airport Overlay)	Dwelling, Single-Family detached	N/A
East	R-E/AP-O (Residential Estate with Airport Overlay)	Dwelling, Single-Family detached	N/A

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	Prior to Internal Review/ Prior to Planning Commission Hearing
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	146 Postcards – Two (2) times
Number of Comments Received	17 Comments Received

Public Engagement

City Planning received 17 comments for the Non-Use Variance application, 14 of which are opposed, and three (3) in support (See Attachment #4 – Public Comments and Responses). General concerns regarding the Non-Use Variance included the overall size of the structure on a 1-acre lot with commentors stating it is too large, needs to be more architecturally compatible with the neighborhood, garage may be used for commercial purposes, potential neighborhood devaluation, too close to the entrance of the neighborhood, and does not meet code for the City or Rustic Hills Improvement Association (HOA) covenants. Those in support stated that it could increase property values, help to clean up the neighborhood and upgrade the existing property.

Timeline of Review

Initial Submittal Date	September 11, 2025
Number of Review Cycles	Three (3)
Item(s) Ready for Agenda	January 14, 2026

Agency Review

Traffic Impact Study

Traffic reviewed this proposal and had no comments on the application.

Engineering Development Review

Engineering reviewed this proposal and had no comments on the application.

Fire

Fire reviewed this proposal and had no comments on the application.

Stormwater Enterprise (SWENT)

A Final Drainage letter must be reviewed and approved prior to construction. Additionally, the FEMA Firm panel information needs to be revised on the site plan.

Colorado Springs Utilities

All Comments have been addressed.

Non-Use Variance Application

Summary of Application

The proposed Non-Use Variance application (NVAR-25-0014) is to allow for the construction of a 2,560 square foot detached garage which will increase the total gross garage space on the property to 3,296 square feet where a maximum of 1,650 square feet is allowed per City Code Section 7.3.304.C.1.a. In addition to the Non-Use Variance, the proposed detached garage structure will also need to obtain approval for an Administrative Adjustment for the 18-foot, 4-inch height of the structure where 16-feet is allowed for detached garages with a roof pitch of less than 6:12, which represents the maximum 15% adjustment relief permitted under City Code Section 7.5.524 (See Attachment #1 – Site Plan). The Administrative Adjustment application has not been reviewed or approved to date. City Planning Staff has recommended a condition of approval requiring the administrative review and approval of the Administrative Adjustment application prior to Building Permit approval.

The purpose of the detached garage structure would allow for storage of personal equipment, boat, trailers, and trucks that would otherwise be stored outdoors and visible from the public right-of-way, this would assist in improving the property's appearance and overall maintenance (See Attachment #2 – Project Statement).

Application Review Criteria

City Code Section 7.3.304.C.1.a

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

Per the standards found in City Code Section 7.3.3, detached garage structures are subject to additional square footage and height limitations. Per City Code Section 7.3.304.C.1.a, garage space on a lot shall be no larger than 1,650 square feet. Per City Code Section 7.3.304.C.1.b, requires that detached garages shall have a maximum height of sixteen (16) feet with a roof pitch of less than six (6) to twelve (12), or twenty (20) feet otherwise.

City Planning staff finds that this Non-Use Variance application does not meet the use specific criteria as the proposed structure cannot comply with the use-specific standards referenced above without the approval of this Non-Use Variance and future Administrative Adjustment applications.

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

The subject property's 1-acre lot size is larger than the minimum required and may be considered atypical relative to nearby lots; however, other large or larger lots also exist within the subdivision and other subdivisions in the City. The subject property remains larger than many residential lots in Colorado Springs and nearby neighborhoods. Given that the subdivision was platted as a large-lot development in the 1960's does not represent an extraordinary or exceptional condition for varying the city-wide dimensional standards for a new building. The Rustic Hills neighborhood is comprised of R-E (Residential Estate) zoned properties where the minimum lot size is 20,000 square feet. The neighborhood contains a mix of lot sizes, many of which include accessory structures. Several nearby properties contain large, detached accessory structures, some of which were approved through prior Non-Use Variances. As the code allows for a maximum of 1,650 square feet of garage space per lot no matter the size, it doesn't allow for the larger lot sizes to utilize the lot for more garage space, or a one-size-fits-all standard.

After evaluation of the Non-Use Variance application, City Planning staff questions whether this review criteria is met. Especially, given that while the subdivision was platted as a large-lot development in the 1960's this does not represent an extraordinary or exceptional condition for varying the city-wide dimensional standards for a new building.

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 applicant has stated that by not granting the Non-Use Variance request, the property will not be able to be used as intended, and will not be able to store all equipment, boats, and vehicles within the structure and would need to be placed outdoors within the view of the public. The neighborhood is more rural in nature even though within Colorado Springs, the large pole barns, horse barns, and detached garages are common here, and would support the neighborhood's semi-rural character. The proposed structure will be placed well outside of any setbacks or easements, and existing mature trees provide partial visual screening for adjacent properties. The subject property is a corner lot with only two shared property lines on the South and the West.

After evaluation of the Non-Use Variance application, City Planning staff questions whether this review criteria is met. The private decisions to purchase multiple boats, equipment or vehicles are not land use decisions.

4. *That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties.*

The granting of the Non-Use Variance will not be detrimental to public health or safety. The proposed structure is intended to be compatible in appearance with surrounding development to minimize visual impacts, and adjacent properties will still maintain their privacy. The proposed structure complies with all required setbacks and avoids existing easements and will have natural screening from the large lot size and trees. The proposed development results in a lot coverage of 12%, which remains well below the 30% maximum allowed in the R-E (Residential Estate) zone district. All other dimensional standards for this development of the detached garage will be met. Many public comments expressed concern that a garage of this size may adversely affect neighborhood character, concerned that it might be used for business purposes, and the neighborhood will lose its semi-rural appearance and feel.

After evaluation of the Non-Use variance application, City Planning staff finds that it is unclear if the application meets this review criteria.

Compliance with Development Standards

Development Standard	Required	Proposed
Gross Garage Square Footage	1,650 square feet	3,296 square feet
Accessory Structure Height	16 feet	18 feet, 4 inches
Accessory Structure Side Setback	5 feet	40 feet on East side, 54 feet, 3 inches on West side
Accessory Structure Rear Setback	5 feet	70 feet, 7 inches
Lot Coverage	30%	12%

Compliance with Relevant Guiding Plans and Overlays

Airport Overlay (AP-O)

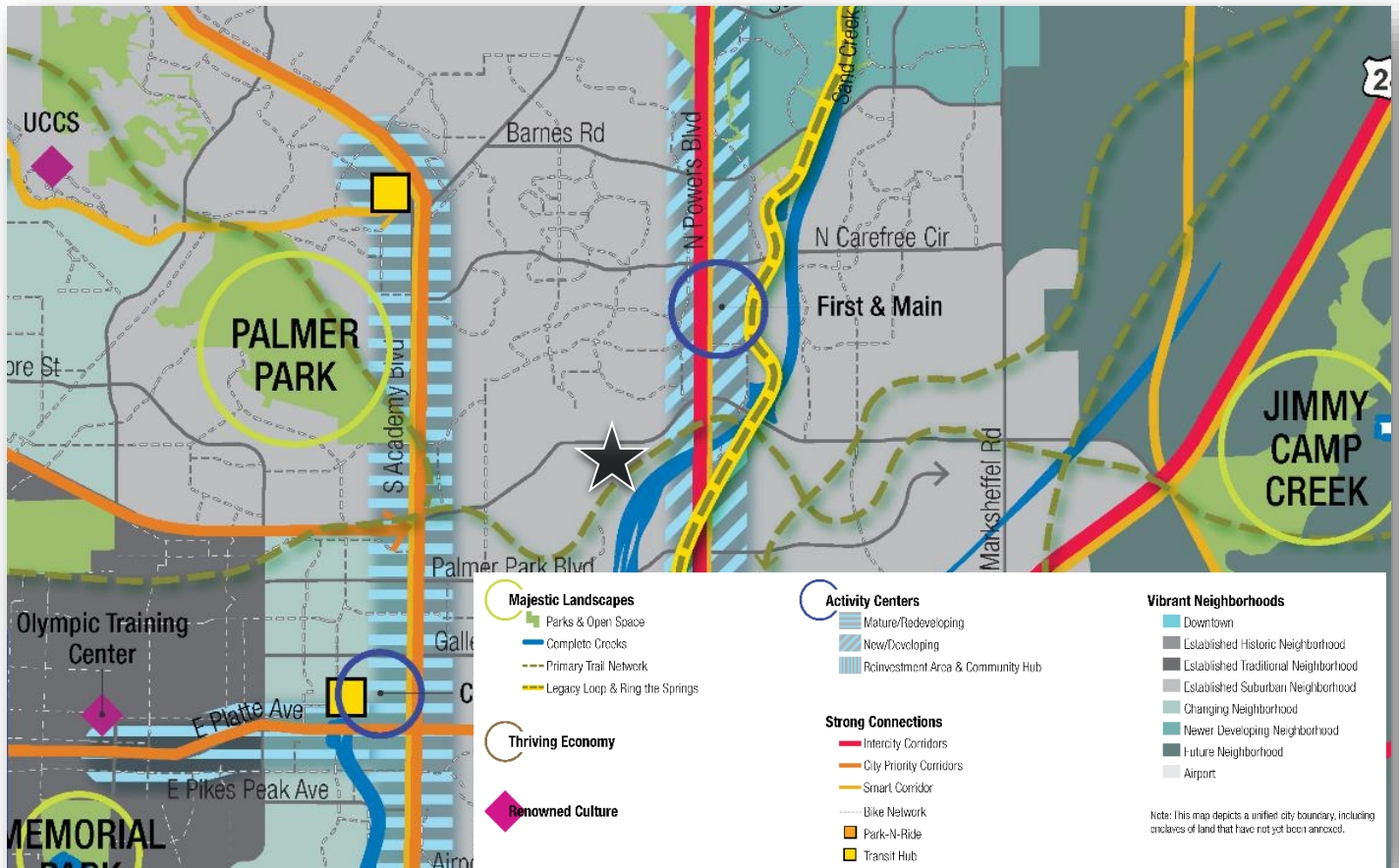
The Airport Overlay is applicable to this site but has no impact on the proposed development in terms of land use or dimensional standards.

Rustic Hills Improvement Association

The Rustic Hills Improvement Association (HOA) does not support the proposed structure and states it is not in support of the Non-Use Variance application (See Attachment 3 – Rustic Hills Improvement Association Memorandum).

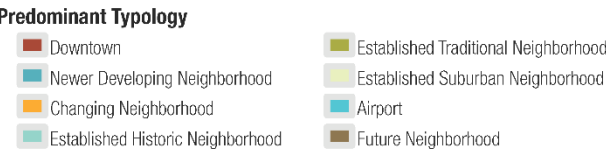
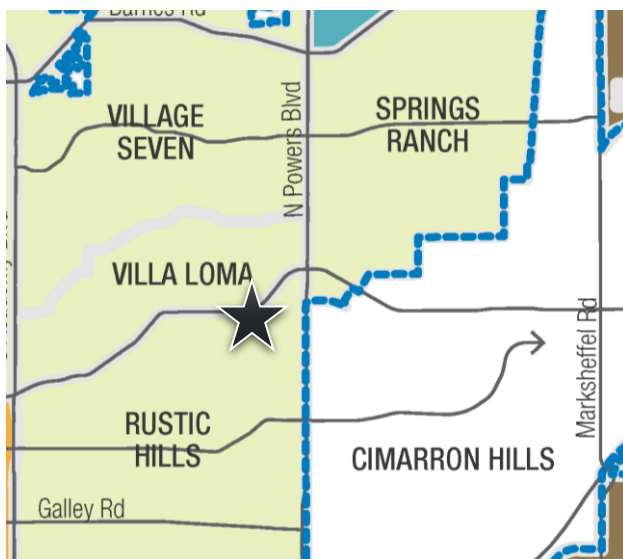
Compliance with PlanCOS

PlanCOS Vision



Staff evaluated the proposed application for conformance with the City’s current comprehensive plan (herein referred to as “PlanCOS”), adopted in January 2019. According to the PlanCOS, the project site is identified as being within a “Established Suburban Neighborhood”. Established Neighborhoods are predominantly built out and have been stable for several decades. Relative to other neighborhoods, they are stable and do not anticipate high levels of land use changes. However, most Established Neighborhoods within the city should expect some degree of infill and redevelopment.

Suburban Neighborhoods are defined as a subcategory to Established Neighborhoods in PlanCOS, and include those that developed with a suburban pattern, including curvilinear streets with cul-de-sacs. These neighborhoods have matured to the point where they are not actively being developed and no longer have actively managed privately initiated master plans and ordinarily do not yet have publicly initiated master plans. These neighborhoods place a high value on maintaining residential privacy and safe streets. New development should focus on safe connections into and within these neighborhoods.



Vibrant Neighborhoods

The property is located within the Rustic Hills Neighborhood, classified as an Established Suburban Neighborhood in PlanCOS. Under the Vibrant Neighborhoods chapter this proposal meets the following strategy:

Strategy VN-3 E-3: Through a combination of Zoning Code changes and development review decisions, encourage and support flexible site and building designs and residential densities that are adaptable to the specific site.

Statement of Compliance

NVAR-25-0014 – Garage Addition

After evaluation of the Non-Use Variance application, it is unclear if the application meets the review criteria.