



09/06/2023

Manuel Martinez  
925 W. Cucharas Street  
Colorado Springs, Colorado 80905

Subject: Request for a Land Use Variance

Dear Members of the City Council and Zoning and Development,

I am writing to formally request your consideration for a land use variance for the property located at 925 W. Cucharas Street, Colorado Springs, CO 80905, with the aim of addressing exceptional and extraordinary circumstances that necessitate this variance. The intent behind this request is to avoid undue property loss, as denying the use variance would result in far more than a mere inconvenience or financial disadvantage to the property owner.

The property in question, 925 W. Cucharas, is situated within Zoning District, unknown, and its intended use is Dog Training, Boarding and Doggy Day Care, along with Dog Grooming. In making this request, we firmly believe that there are circumstances unique to this property that do not generally apply to others within the same zoning district or to the class of uses in the area.

The exceptional and extraordinary circumstances that warrant this variance include:

**Topographical Constraints:** The property's most glaring limitation lies in its restricted parking space, primarily due to the extensive garage on the ground floor. This constraint significantly restricts the types of businesses that can operate here, necessitating alternative parking solutions or business models less reliant on foot traffic.

**Height and Size Restrictions:** The property's topographical layout may impose constraints on the size and height of any structures added, potentially limiting expansion prospects. It might suit businesses with modest space requirements better.

**Niche-Friendly Layout:** While challenging for conventional enterprises, the property's layout holds appeal for specific businesses. Automotive repair shops, small-scale manufacturers, or specialty retail outlets that don't require extensive parking facilities may find the garage space and two-story design advantageous.

**Accessibility and Safety:** The City Council must consider accessibility and safety, focusing on emergency exits, garage ventilation, and adherence to building codes. These factors are vital for any business considering occupancy.

**Zoning Adaptations:** To maximize the property's utility, the city should review and adjust zoning regulations. Such changes would promote innovative uses that align with the property's unique characteristics.

In summary, this commercial property's topographical constraints and unique layout demand a nuanced approach from the City Council. While not suitable for a wide range of businesses due to limited parking and

layout challenges, it presents valuable opportunities for specialized needs. We urge the City Council to conduct a comprehensive review of zoning regulations and explore potential adjustments to optimize the property's utility, all while ensuring safety and compliance.

**Community Benefit:** The intended use of the property, Dog training specializing in Basic Obedience, off leash training and K9 Behavioral issues which is highly beneficial to the local community. We also provide Day Care for families who do not want their fur babies to be at home by themselves while they go to work. Lastly, we are the last line of defense to rescue dogs that are their last lifeline. We partner with the Douglas County Rescue to rehabilitate malnourished abused dogs, and we get them training and healthy to enter into a caring family's home. Denying the variance would deprive the community of essential services and opportunities, which is against the public interest.

**Minimal Impact on Surrounding Properties:** The proposed use is carefully designed to minimize any adverse effects on neighboring properties. We have taken substantial steps to address concerns related to traffic, noise, and aesthetics, ensuring that the use is harmonious with the surrounding area.

**Economic Implications:** Denying the use variance would not only result in undue property loss for the owner but also prevent the creation of jobs, the generation of tax revenue, and other economic benefits for the community. This would represent a significant financial setback for both the property owner and the local economy.

**Alternative Solutions:** Exhaustive research has been conducted to explore alternative solutions that would conform to existing zoning regulations, but none have proven feasible or reasonable given the unique characteristics of the property.

I am writing to advocate for the approval of the requested land use variance, which is integral to the preservation and enjoyment of property rights of the land in question. It is imperative to recognize that without this variance, the property or structure cannot yield any beneficial use.

The K9 Dog Care Facility is not just a standard commercial enterprise; it serves as a vital asset for our community, aiding in various ways that are essential for both our residents and our four-legged companions. Below, I elucidate the reasons why this facility is indispensable for our community's well-being:

1. **Benefit to Working Families:** In today's fast-paced world, many working families find it challenging to provide adequate care and attention to their canine companions. A K9 Dog Care Facility offers a secure and nurturing environment where pets can receive the care and attention they deserve while their owners are at work. This service eases the burden on working families, alleviating concerns about their pets' well-being during long hours away from home.
2. **Rescue Dogs:** Our community has a strong commitment to animal welfare, and many residents are dedicated to rescuing dogs in need. A K9 Dog Care Facility can play a pivotal role in providing shelter, care, and rehabilitation for rescued dogs, ensuring they receive the physical and emotional support necessary for successful adoption into loving homes.
3. **Behavioral Issues:** Behavioral issues in dogs can pose significant challenges for families. A professional K9 care facility can offer specialized training and behavioral therapy services to address these issues, ultimately promoting harmonious and responsible pet ownership within our community.
4. **Special Needs Adults:** The facility will also collaborate with local support organizations for special needs adults. These adults can benefit immensely from activities involving the care, training, and companionship of dogs. It offers them a meaningful and therapeutic experience, contributing to their overall well-being.

5. **Community Engagement**: Beyond its direct services, the K9 Dog Care Facility will foster community engagement by hosting educational programs, workshops, and events related to responsible pet ownership and dog welfare. This not only educates our residents but also strengthens community bonds.

In light of these compelling reasons, it is evident that the K9 Dog Care Facility is a significant asset to our community, offering benefits that extend well beyond standard commercial operations. Denying the land use variance for this facility would not only deprive our community of these essential services but also hamper the preservation and enjoyment of the property rights in question. Without this variance, the property would indeed remain underutilized and unable to fulfill its potential to benefit both residents and the local economy.

I implore you to consider the broader implications of this land use variance and its profound impact on our community's well-being, property rights, and the welfare of our beloved canine companions. Your approval of this variance is not only in the best interest of the property owner but also a testament to your commitment to the betterment of our community.

In response to the land use variance request for our property, Located at 925 W Cucharras Street, in accordance with the criteria that the proposed variance "will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property." We firmly believe that our proposed land use will have no adverse effects on public welfare or the interests of neighboring property owners.

Our property, situated in a commercial zoning area, is uniquely positioned in proximity to a Petroleum Plant, which operates with diesel trucks frequently traversing the neighborhood throughout the day. Given this existing industrial presence, we assert that our proposed use will have minimal impact on the neighborhood, and indeed, our footprint will be small in comparison to the industrial activity occurring directly behind us.

Here are the key points supporting our claim that the proposed land use variance will not be detrimental to the public welfare or injurious to neighboring property owners:

1. **Compatibility with Existing Industrial Activity**: Our proposed use is inherently less intrusive and disruptive than the activities of the nearby Petroleum Plant, which involves the constant movement of diesel trucks. By contrast, our operations will be considerably quieter and less disruptive to the surrounding neighborhood.
2. **Stringent Environmental Compliance**: We are fully committed to adhering to all local, state, and federal regulations regarding environmental and safety standards. This commitment ensures that our operations will not result in any negative environmental consequences or hazards to public welfare.
3. **Limited Traffic Impact**: Our business model is designed to minimize traffic disruptions. Unlike the constant stream of diesel trucks from the Petroleum Plant, our operations involve relatively infrequent vehicle movements, leading to reduced traffic congestion and noise pollution in the area.
4. **Enhancement of the Property**: Our proposed land use represents an enhancement to the property by repurposing an underutilized space. This revitalization contributes positively to the neighborhood's aesthetics and potential property values, aligning with the city's goals for urban development.
5. **Community Benefits**: Our operation aims to provide valuable services to the community, which includes K9 Behavioral issues and many more services as stated above. These benefits not only do not hinder but actively support public welfare and convenience.

In light of these considerations, it is our firm belief that granting the requested land use variance for 925 W. Cucharras will not be detrimental to the public welfare or convenience, nor injurious to the property or improvements of other owners of property. Our proposed operations are complementary to the existing industrial activities in the vicinity and will not impose any additional burdens on the neighborhood. Rather, they represent a responsible and considerate use of the property.

To provide context, we moved into our current facility on June 29, 2023 with the intention of establishing a Dog training and Dog Day Care Facility. It is important to note that we have been in operation for just over a week when we received a complaint from our neighboring business in July 2023. The complaint was directed to multiple city departments, including the Humane Society, PACFA, Zoning and Planning Department, and even the building owner.

It is essential to emphasize that we were, and continue to be, committed to being good neighbors and responsible community members. We believe in open communication and addressing concerns amicably. However, the complainant chose to involve several city entities without attempting a direct, neighborly conversation with us to resolve the issue.

Upon receiving the complaint, we took immediate action. I personally visited the complainant, Bill Tibbit to discuss the concerns and seek resolution. During our conversation, we offered our willingness to make reasonable accommodations to ensure we did not disrupt their quiet enjoyment of their property. In response to their suggestion, we promptly relocated two Chihuahuas, which had occasionally been let out on our side of the building, Bill stated that immediate removal of these pups would be appreciated, and we removed them promptly to ensure there were no further disturbances.

Our proactive approach to addressing the issue underscores our commitment to being responsible and cooperative neighbors. We did not foresee the noise-related concern that led to the complaint, and we took swift action once it was brought to our attention, even though the issue was not of our own making.

Considering these circumstances, we respectfully request that you consider our application for a land use variance favorably, as the hardship we encountered was not a result of our actions but rather an unforeseen situation that we diligently worked to resolve. Granting this variance will enable us to continue operating our facility responsibly and contribute positively to the community.

In light of these circumstances, we respectfully request that you consider our application for a land use variance favorably. The hardship we face is not of our own making, and we remain committed to operating responsibly and harmoniously within our community.

I am writing to address the stipulations regarding the land use variance request, specifically the requirement that the application of the UDC (Uniform Development Code) prohibition on the requested use of the subject property would effectively prohibit or unreasonably restrict the use of the property. Furthermore, we wish to emphasize that the requested Use Variance is not being sought primarily to evade the time or expense of complying with the UDC standards generally applicable to similar properties and development.

Humble Paws recently moved into the property at 925 W. Cucharras on June 29, 2023. The essence of our business revolves around providing essential services to the community, including responsible pet care. Relocating just a month after establishing ourselves at this property would inflict severe reputational damage to Humble Paws and convey a message of instability to our clients, both current and prospective.

Here's why compliance with the UDC standards, which would necessitate relocation, would be both impractical and detrimental to our business and the community:

1. **Client Trust and Reputation**: The pet care industry relies heavily on trust and consistency. Sudden relocation after such a short period would cast doubts on our reliability and commitment to our clients. This, in turn, could erode trust and negatively affect our reputation, causing irreparable harm to our business.
2. **Disruption to Services**: Moving our operations would lead to a significant disruption in our services, impacting the pets and families we serve. It would be logistically challenging to transition our existing clients and maintain the quality of care they expect from us during the upheaval.
3. **Economic Impact**: The financial cost of relocating our facility and re-establishing our business elsewhere would be substantial. This would be an undue economic burden on Humble Paws, diverting resources away from providing quality care to the pets and families we serve.
4. **Community Benefits**: Our facility serves not only as a pet care center but also as a valuable community resource. We offer educational programs, support local pet adoption initiatives, and provide a place for residents to engage with their pets in a safe and enriching environment. Disrupting these services would negatively impact the community we serve.
5. **No Primarily Avoidance of Compliance Costs**: It is important to emphasize that our request for a land use variance is not primarily an attempt to avoid compliance with UDC standards. Rather, it is a plea to continue serving our community effectively and responsibly while minimizing unwarranted disruptions to our clients and operations.

In light of these considerations, we respectfully request that you recognize the impracticality and adverse consequences of enforcing UDC standards in our case. The requested land use variance is not being pursued to avoid compliance costs but to ensure the stability, continuity, and quality of our services to the community.

We appreciate your understanding and consideration of our unique situation. If you require further information or clarification, please do not hesitate to contact us. We are committed to working collaboratively with the city council to find a mutually beneficial solution.

Sincerely and Respectfully,

Manuel Martinez  
Humble Paws