

## 3121 ILLINOIS AVENUE – NONUSE VARIANCE

Planning Commission August 13, 2025

Staff Report by Case Planner: Kerri Schott



### Quick Facts

#### Applicant

BTC Partners LTD (Blue Truck Capital)

#### Representative

Blue Truck Capital

#### Property Owner

Blue Truck Capital

#### Address / Location

3121 Illinois Avenue

#### TSN

6332210013

#### Zoning and Overlays

R-5 (Multi-Family High)

#### Site Area

4,800 square feet

#### Land Use

Two Family (Duplex Dwelling)

#### Applicable Code

UDC

#### Council District

#5

### Project Summary

The application is for a nonuse variance to City Code Section 7.2.207.B to allow for a 7-foot corner lot - side street setback where 15 feet is required to allow for a new two-story duplex located at 3121 Illinois Avenue. The property is in the R-5 (Multi-Family High) zone district consisting of 4,800 square feet. (Quasi-Judicial).

#### File Number

NVAR-25-0003

#### Application Type

Nonuse Variance

#### Decision Type

Quasi-Judicial

### Prior Land-Use History and Applicable Actions

Action	Name	Date
Annexation	No. Colorado Springs Addition #2	January 1, 1970
Subdivision	Townsite of Papeton	June 3, 1901
Master Plan	none	n/a
Prior Enforcement Action	none	n/a

### Site History

The property is located at 3121 Illinois Avenue. This property was part of a previously approved development plan and waiver of replat application approved by the City in 2023 to combine this lot with the two lots directly north for a proposed 12-unit apartment building (City File number DEPN-22-0015). However, the approved development was not built, and the lots are currently vacant. Each of the three lots are proposing a two-story duplex of the same prototype and design; total of 6 units instead of the previously approved 12 units (refer to Attachment 1 – Project Statement).

This property, per City Code Section 7.6.301, is considered a corner lot because it is “*located at the junction of and fronting on two or more intersecting streets,*” Illinois Avenue and 3<sup>rd</sup> Street. The primary front lot line is therefore the property line most parallel to the street from which access is gained Illinois Avenue, and the secondary front lot line is the other lot line with street frontage - 3<sup>rd</sup> Street. The secondary corner lot side street setback for the principal structure in the R-5 zone district is 15 feet per UDC Section 7.2.207.

The lot is 4,800 square feet in size with a 40-foot lot width. While this does not meet the minimum lot size (7,000 square feet) and lot width (50-foot) requirements for a duplex within the R-5 zone district, the lot is considered legal nonconforming because it was platted this size in 1901 and annexed into the City of Colorado Springs in 1970. And per City Code Section 7.5.802.A.1: “*A Lot of Record may be developed with any permitted use allowed in the zone district in which it is located even if it does not meet the minimum lot area or width requirements.*” A two-family duplex is a permitted use within the R-5 zone district per City Code Table 7.3.2-A.

### Applicable Code

The subject application was submitted after the implementation date (06/05/2023) of the ReTool project. The subject application was reviewed under the Unified Development Code (UDC). All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	R-5 (Multi-Family High)	Vacant	Future Two Family (Duplex) Residential of same design
West	R-5 (Multi-Family High)	Two Family (Duplex) Residential	Existing duplex
South	R-5 (Multi-Family High)	Single Family Residential	Existing Single Family detached residence
East	R-5 (Multi-Family High)	Single Family Residential	Existing Single Family detached residence

### Zoning Map



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	Administrative Review / Prior to Planning Commission Hearing
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	248 Postcards
Number of Comments Received	1 Comment Received

### Public Engagement

Staff received one comment in opposition of the requested nonuse variance (refer to Attachment 2 – Neighbor Comment), which included the lack of visibility for cars and pedestrians that the proposed duplex would have from the street, increased traffic and speeding, and damaging the appearance and values of surrounding properties. Traffic Engineering has reviewed and confirmed that the proposed setback and structure meet visibility requirements, and the applicant has proposed juniper plantings to aid with visual impacts along the 3<sup>rd</sup> Street. The applicant provided a response to the public comments (refer to Attachment 3 – Neighbor Comment Response)

## Timeline of Review

Initial Submittal Date	May 7, 2025
Number of Review Cycles	2 cycles
Item(s) Ready for Agenda	7/21/2025

## Agency Review

### Engineering Development Review (EDR)

Engineering Development Review reviewed the application per applicable code requirements and recommended approval.

### Stormwater Enterprise (SWENT)

SWENT had no issues with the proposed setback and provided only informational comment that SWENT will require a Final Drainage Letter before building permit issuance and construction.

### Colorado Springs Utilities (CSU)

Colorado Springs Utilities reviewed the application and there were no issues with the existing overhead utility pole and service line with adequate horizontal separation.

### Traffic Engineering

Traffic Engineering reviewed the application per applicable code requirements and the reduced setback will not influence the horizontal sight distance from Illinois Avenue to 3rd Street.

### Fire

Fire had no comments.



### Summary of Application

The applicant is requesting approval of a nonuse variance to City Code Section 7.2.207 to deviate from the 15-foot front corner lot – side street setback requirement for corner lots in the R-5 zone district. Approval would allow for a corner lot side-street setback of 7 feet along 3<sup>rd</sup> Street for a proposed duplex (refer to Attachment 2 – NVAR-25-0003 Site Plan).

### Application Review Criteria

This nonuse variance application is required to meet the application review criteria as defined in City Code Section 7.5.526.E. This application meets the review criteria as described below:

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

Approval of this nonuse variance application would allow for a duplex 7 feet from the secondary corner lot side street setback along 3<sup>rd</sup> Street. The lot is zoned R-5, or Multi-Family High. Per City Code Section 7.2.207, “*The R-5 zone district accommodates attached and detached single-family, two-family, and multi-family dwelling structures at the highest density permitted in the City’s standard residential districts.*” A duplex is a permitted use in the R-5 zone district per **City Code Section 7.3.201**. Despite not meeting the minimum lot size and width requirements, the lot is considered legal nonconforming per City Code Section 7.5.802.A.1.

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

This property was historically platted as part of Townsite of Papeton Plat in 1901 and was originally platted as a long narrow lot consisting of 4,800 square feet with a 40-foot lot width. At the time of platting, corner side setbacks were not a consideration. In addition, many of the surrounding structures were built in the early 1900s right up to the property line. Because this property was originally platted with a smaller lot size and width than what is required today and has a legal right to develop a duplex to contribute to higher density and affordable housing in the community, the additional setback restriction creates a unique set of circumstances for obtaining a feasible design within a small buildable area.

**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;***

Being a corner lot with a legal nonconforming width and size for this zone district contributes to highly restrictive constraints of the buildable area. The project is already utilizing the legal nonconforming lot side setback reduction to three feet along the north property line per City Code Section 7.5.802.A.2. But even with that reduction and a required 15-foot corner street setback and only a 40-foot platted width would only allow for a 22-foot wide structure making it difficult to design a usable space for two units without the absence of some relief.

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

The overall street context includes a variety of duplex and multifamily structures instead of only single-family homes and therefore promotes more opportunities for affordable and attainable housing in the community. The project promotes infill development on underutilized land to better maximize the allowed use with little impact. The 34-foot proposed height is well below the maximum allowed 50 feet in the R-5 zone district and materials will be traditional siding keeping the structure cohesive with the surrounding neighborhood.

With the request for a 7-foot corner setback, the proposed structure still maintains approximately 18.5-feet from the street curb due to a 4'-8" offset of the property line from the back of sidewalk. This separation preserves the spatial rhythm of the street and ensures the building does not visually dominate the corner. The location of proposed structure maintains the visibility triangle required by Traffic Engineering and plantings are proposed along 3<sup>rd</sup> Street to aid in mitigating any visual impacts.

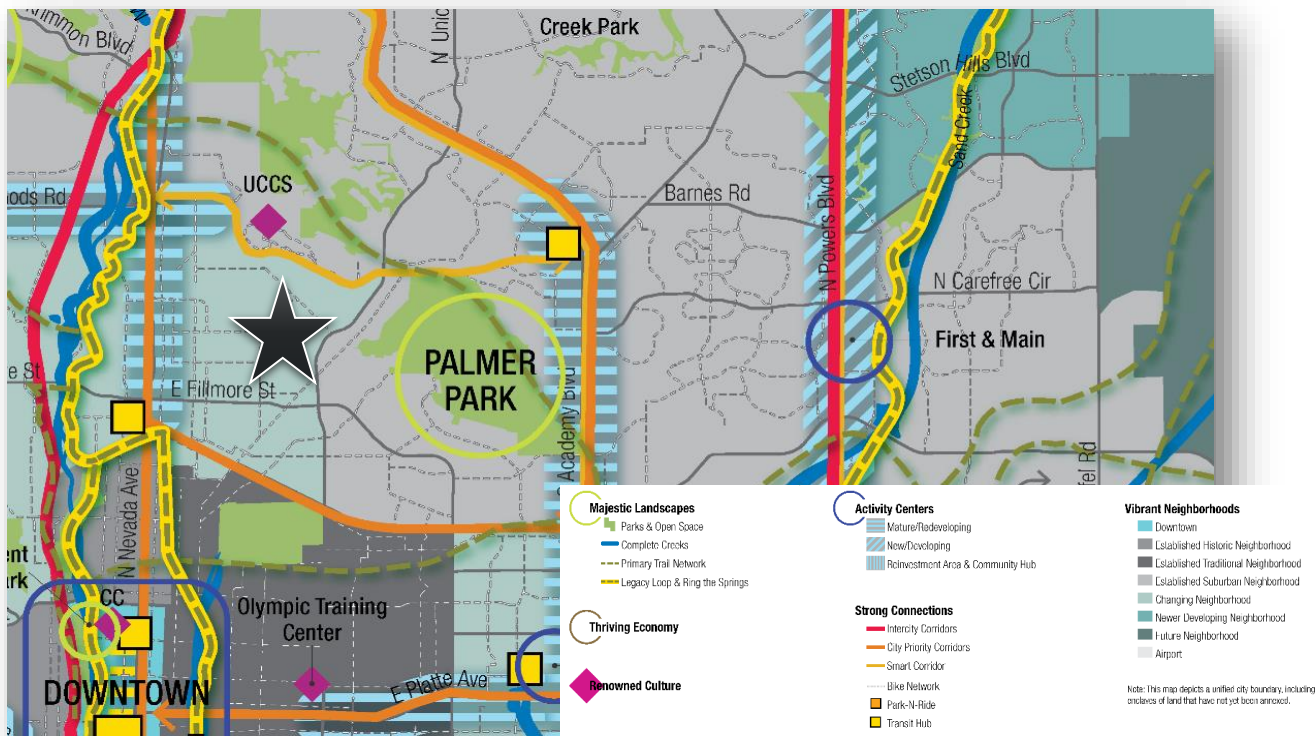


### Compliance with Relevant Guiding Plans and Overlays

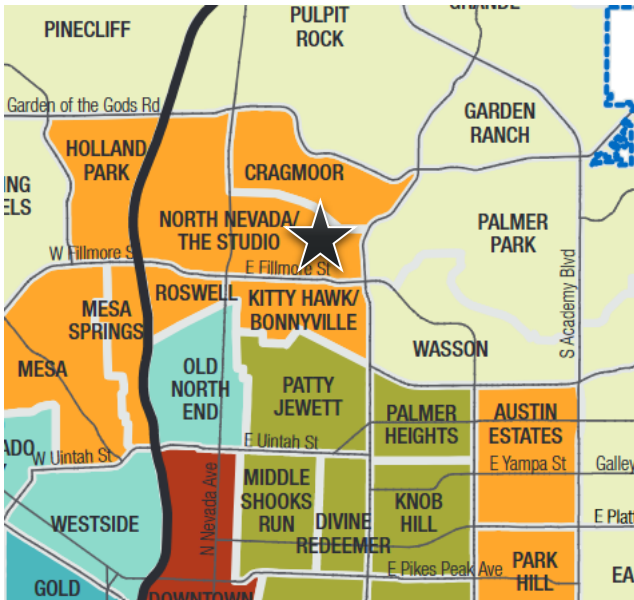
The project site is not part of a Master Plan and there are no overlays.

### Compliance with PlanCOS

#### PlanCOS Vision



The subject site is located within PlanCOS Visions Map’s typology of “Changing Neighborhood”. The goal of this typology is to retrofit, reinvent and introduce new features to enhance the identify, quality, affordability and attractiveness of these neighborhoods. These neighborhoods will expect to see more infill and redevelopment than other areas of the city. The proposed duplex supports PlanCOS through the following policy alignment:



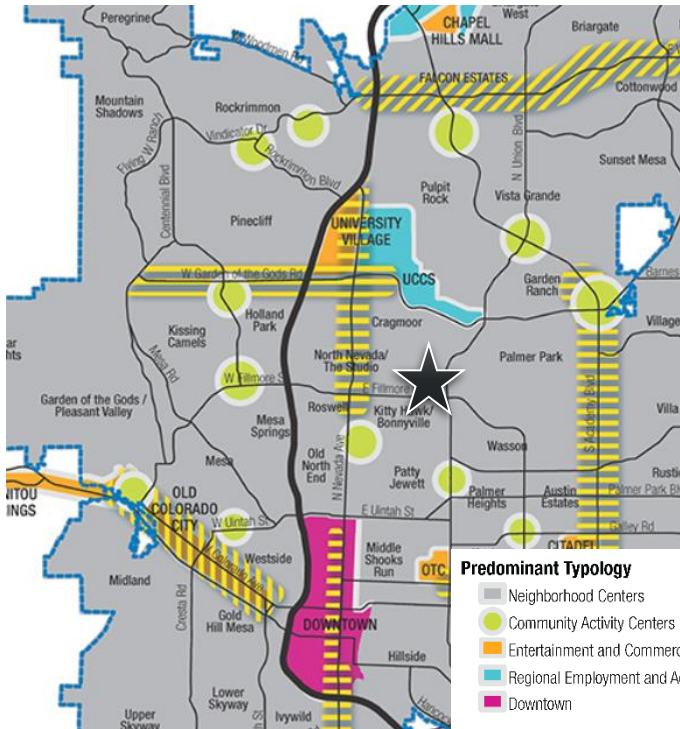
## Vibrant Neighborhoods

This project supports **GOAL VN-2**: “Strive for a diversity of housing types, styles and price points distributed throughout the city through a combination of supportive development standards, and appropriate zoning and density that is adaptable to market demands and housing needs.”

This project supports **Strategy VN-2.A-3**: “Support projects that provide a variety of housing types and sizes, serving a range of demographic sectors and meeting needs of residents and families through various life stages and income levels.”

### Predominant Typology

- Downtown
- Newer Developing Neighborhood
- Changing Neighborhood
- Established Historic Neighborhood
- Established Traditional Neighborhood
- Established Suburban Neighborhood
- Airport
- Future Neighborhood



## Unique Places

The subject site is within a known “Neighborhood Center”. The intent behind this typology is to care for the everyday needs of citizens within easy distance of surrounding neighborhoods.

This project supports **Policy UP-2.A**: “Support infill and land use investment throughout the mature and developed areas of the City”.

### Predominant Typology

- Neighborhood Centers
- Community Activity Centers
- Entertainment and Commercial Centers
- Regional Employment and Activity Centers
- Downtown
- Mature/Redeveloping Corridors
- New/Developing Corridors
- Reinvestment Area and Community Hub

## Statement of Compliance

### NVAR-25-0003 – 3121 Illinois Avenue Nonuse Variance

After evaluation of this Nonuse Variance for 3121 Illinois Avenue, the application meets the review criteria.